

ADVERTISING STANDARDS AND GUIDELINES



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ABC, INC.
DEPARTMENT OF BROADCAST STANDARDS AND PRACTICES

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INTRODUCTION

Overview

All material broadcast over the ABC Television Network must conform to governmental laws and regulations and to the standards and policies of ABC, Inc.

It is the policy of ABC to present advertising that is truthful and tasteful, and not misleading or deceptive. This policy is not only mandated by our obligation as broadcasters to operate in the public interest, convenience and necessity, and by state and federal laws and regulations, but as a matter of good corporate citizenship.

The Advertising Standards and Guidelines are for use by advertisers, their agencies and legal counsel, and for personnel at the ABC Television Network. In many cases, the policies involve specialized areas where scientific knowledge or legal considerations need to be taken into account. Nevertheless, the basic principle of advertising acceptance can be easily summarized: advertising should be honest and in good taste, claims should be substantiated and qualifying information about the attributes or use of a product should be disclosed whenever qualifying information is required to avoid misleading consumers.

Role of the Department of Broadcast Standards and Practices

The Department of Broadcast Standards and Practices is responsible for reviewing all advertising material on the ABC Television Network. It is also responsible for reviewing Network program and on-air promotional material, with the exception of programs and promotions produced by ABC News and ABC Sports.

Broadcast Standards and Practices is an independent department of ABC reporting directly to the General Counsel and operating objectively, free of any allegiance to sales or programming departments. As a result, there is a system of checks and balances in determining the acceptability of program and advertising material. The Department also serves as a resource for the ABC Radio Networks, as well as for ABC Owned television and radio stations, whose managers are responsible for their own decisions.

GENERAL STANDARDS

ABC reserves the right to:

1. Accept or reject at any time advertising for any product or service submitted for broadcast over its facilities;
2. Require elimination or revision of any material in advertising copy which violates the Company's standards, policies, or guidelines; federal, state, or local laws or regulations; or is otherwise contrary to the public interest; and

3. Reject any advertising where the advertised product, program, or service could negatively affect its audience.

In order to determine the acceptability of advertising material submitted for broadcast, Broadcast Standards and Practices has the right to investigate the advertiser and the accuracy of all statements and claims made in advertising copy. When affirmative claims are made for a product or service, the law requires the advertiser to have substantiation or documentation providing a reasonable basis for the claims.

All advertising messages should be prepared with proper consideration of the type of product being advertised, the time of broadcast, and the audience to whom the advertising is directed. Good taste must always govern the content, placement, and presentation of announcements.

ABC reserves the right at any time to revoke its approval of and to require the elimination or revision of any advertising matter which is inconsistent with ABC standards and policies. ABC also reserves the right to require revision of any advertising matter to meet emergency circumstances or situations of unusual significance.

PROCEDURES

Advertising agencies should submit storyboards or scripts in duplicate for each commercial intended for air on the ABC Television Network or its regional networks sufficiently in advance of production to permit careful review by the Department of Broadcast Standards and Practices. **Broadcast Standards and Practices does not review advertising which is not intended for broadcast on the ABC Television Network.**

Adequate substantiation must be submitted for all claims. Agencies should endeavor to submit adequate substantiation with the initial submission of a proposed advertising.

A Broadcast Standards editor reviews each commercial. After reviewing a proposed commercial, an editor may accept or reject the advertising, request revisions, or request additional substantiation for claims. Editors' decisions may be appealed to Department management.

After the storyboard or script of a commercial has been approved, final approval is subject to a review of the finished film or tape version and to the time and placement of the commercial as scheduled.

Any commercial aired on the ABC Television Network may be challenged. However, to encourage resolution of any dispute between an advertiser and a potential challenger by the parties themselves, the challenger must first contact the advertiser and make a good-faith attempt to reach a mutually acceptable resolution of the concerns raised. Evidence of the attempted resolution must be provided by the challenger as a prerequisite to the initiation of a challenge. (Merely copying the advertiser on a challenge letter at the same time a challenge is sent to ABC is insufficient.)

(See Challenges for a discussion of ABC challenge procedures).

ADVERTISING BY NON-ABC MEDIA:
(BROADCAST TELEVISION, CABLE, INTERNET, RADIO, AND SATELLITE)

STANDARD

The ABC Television Network reserves the right to reject advertising, or to impose restrictions on advertising, for competing media. As a general rule, advertising for a competing medium that includes time, day and station when a competing program can be viewed is unacceptable.

ALCOHOLIC BEVERAGES

STANDARD

Hard liquor (distilled spirits) advertising is unacceptable. Beer and wine advertising is acceptable, subject to federal, state, and local laws and the applicable guidelines set forth herein.

Most jurisdictions prohibit the consumption of alcoholic beverages by those under 21. ABC will only permit advertising for alcoholic beverages where the audience composition is predominately of legal drinking age.

GUIDELINES

Hard liquor (distilled spirits) advertising is unacceptable. Beer and wine advertising is acceptable, subject to federal, state and local laws and ABC policy.

I. Beer and Wine

- A. ABC policy requires that beer and wine advertising is presented with good taste and discretion.
- B. The following is unacceptable:
 - 1. The advertising of wine or malt beverages containing more than 24% alcohol by volume.
 - 2. Direct or indirect references to, or depictions of, strength of beer or wine, including statements of alcoholic content (unless solely to establish that a product contains alcohol). However, general references to a reduction in alcoholic content in a given product type is acceptable, provided that there is no implication or conclusion about the safety or amount that may be consumed by reason of such reduction.
 - 3. Presentations which give the impression of or promote excessive consumption of beer or wine.
 - 4. Representations or sound effects of drinking.
 - 5. Props or language primarily associated with hard liquor.
 - 6. Portraying or encouraging use of these products by young people who have not reached, or appear not to have reached, the legal drinking age. Commercial scheduling must be consistent with this Guideline.

7. Presentations which do not conform to generally accepted standards of safety, such as the use of beer or wine either before or during situations involving hazardous activities or requiring a high degree of alertness.
 8. Advertising which represent personal achievements, athletic ability, sexual attractiveness, maturity, etc., as deriving from the consumption of beer or wine.
 9. Current professional athletes, or actors representing such persons, may not be employed directly or by implication.
 10. Expressing or implying that the consumption of beer or wine will produce an alteration of mood.
 11. The gratuitous use of alcoholic beverages as props in non-alcoholic beverage commercials.
- C. Where required by law, beer and wine advertising must disclose the name and city of the brewer, producer, packer, wholesaler, or importer responsible for its broadcast.

II. **Hard Liquor**

The advertising of hard liquor is prohibited. Hard liquor is defined as any beverage legally classified as a distilled spirit, which includes, but is not limited to, whiskey, vodka, gin, rum, brandy, cordials, liqueurs, fortified wines, and mixed products which contain hard liquor, including liquor-based coolers, even if the percentage of alcohol is less than that contained in beer or wine.

III. **Distillers and Distributors of Hard Liquor**

The use of the corporate name of a distiller or distributor of hard liquor is unacceptable, except:

- A. In connection with the advertising of beer and wine when it is required by law that the corporate name be included in the advertisement. In such instances, the use of the corporate name shall be limited solely to the required identification.
- B. In connection with the advertising of a non-alcoholic product or service where the corporate name is part of the actual brand name of the product or service advertised and the product or service is not primarily a device to promote hard liquor.
- C. In connection with the advertising of corporate messages that in no way promotes hard liquor.

IV. **Retailers**

- A. Advertising for businesses, which sell liquor in addition to other products or services (liquor stores, cocktail lounges, restaurants, hotels, airlines, etc.), is acceptable provided there is no reference to, or display of, hard liquor or associated props.
- B. The words "liquor" or "package" are unacceptable except when they constitute part of the retailer's name.
- C. In advertising for cocktail lounges, restaurants, airlines, etc., incidental, general references to mixed drinks are acceptable when limited to language such as "cocktails," "mixed drinks," "drinks," or beverages," provided beverages other than hard liquor are available.

V. **Mixer Products**

Advertising for mixer products is acceptable provided that there are no direct or indirect references to hard liquor. Prohibitions include, but are not limited to:

- A. Reference to the use of mixers with hard liquor.
- B. Names of mixer products which identify hard liquor or mixed drinks or references to specific mixed drinks, except where such names also commonly exist as non-alcoholic products or flavors (e.g., piña colada or daiquiri).
- C. The use of "cocktails" or "cocktail mix" other than as part of the product name or category.
- D. The use of props or language associated with hard liquor.
- E. The advertising of "bartender guides" or other publications which name the distiller and/or contain recipes for mixed drinks containing hard liquor.

AMERICAN FLAG

STANDARD

ABC recognizes the "Flag Code" (the Joint Resolution of Congress promulgated in 1942) which serves as a guide to the use of the American Flag, and state statutes governing the American Flag's use in advertising. As a general rule the appearance of the flag is acceptable in advertising provided that it is treated in a dignified manner and displayed with proper respect, is incidental to the main thrust of the commercial and in a natural setting; and is not employed in an attempt to enhance the advertised product or service.

BILLBOARDS

STANDARD

A billboard is an audio and/or video announcement within a program that identifies the sponsor(s) of the program.

Billboard copy, including standard boilerplate language (e.g., "X show is brought to you by Y sponsor"), must be capable of being easily delivered within the time allotted to the billboard.

Billboard copy may contain generic comparisons but may not contain competitive comparisons, endorsements, premiums, prizes, contests, prices, special sales, gratuitous/secondary mentions, or guarantees, nor utilize exhortations to purchase or patronize the sponsor's product(s) or service(s).

Billboard copy may also contain endorsements by sports associations or leagues (e.g., PGA, NFL, etc.) only when the sporting event is telecast on ABC and the billboard is scheduled in that event.

GUIDELINES

- I. The video portion of a billboard announcement must be confined to the sponsor's product(s), name(s), or service(s) and/or its logo. A slogan or phrase may also be used adjacent to this logo. For visual clarity, impact and compatibility, package designs and/or product shots will not be accepted. This video portion should be on a 2 X 2-inch super-slide mounted on a 35mm plastic frame.
- II. Billboard copy may contain a URL reference in audio and/or video when it is the legal name of the advertiser (e.g., Amazon.com). In all other cases, dot.com URLs are limited to a video reference only.
- III. Neither billboard copy nor video billboard slides may contain any reference to toll-free numbers.

CHAIRMAN'S MESSAGES IN SPORTING EVENTS

STANDARD

A chairman's message is one delivered by a high-ranking officer of the named corporate sponsor of a sporting event.

A chairman's message may be up to, but not exceeding 30 seconds in length. It is limited to an audio and/or video identification of the corporate spokesperson, his or her title and the name of the sponsoring company (*e.g., Jane Smith, President, The XYZ Co.*), together with a brief statement about the sponsoring company's association with the event and/or the charity involved.

Such messages may not mention or show any product or service and may not contain sell copy, signage or logos. In addition, there may be no interaction with, or the participation of, ABC talent.

Broadcast Standards and ABC Sports must approve copy for the chairman's message at least fourteen days prior to the event in which it is scheduled.

CHALLENGES

STANDARD

Any commercial aired on ABC may be challenged. However, to encourage resolution of any dispute between an advertiser and a potential challenger by the parties themselves, the challenger must first contact the advertiser and make a good-faith attempt to reach a mutually acceptable resolution of the concerns raised. Copying the advertiser on a challenge letter at the same time a challenge is sent to ABC is not a sufficient good-faith attempt to reach an acceptable resolution.

Consideration of a challenge will be initiated upon presentation of satisfactory evidence that the challenger has made an unsuccessful good-faith effort to resolve the dispute unless the challenged claims are the subject of litigation or government action. In such cases, ABC will generally defer consideration of the challenge and permit the disputed claims to air pending resolution by the responsible court or government authority.

GUIDELINES

- I. A challenge must be made in writing in a form which permits it, along with any supporting data, to be transmitted to the challenged advertiser for a response. In the event that the challenger believes certain material is a trade secret, or commercial or financial information which is privileged or confidential, the challenger should make such specific designation and set forth the basis for the designation. If, in the opinion of the Department of Broadcast Standards and Practices, such material does not properly fall within this designation, the Department will ask the challenger to provide the material to the advertiser. If the challenger refuses to do so, the Department will not consider this material in its review of the challenge, and will promptly return such material to the challenger. Ordinarily, the Department would not expect a party to assert a claim of confidentiality or privilege with respect to perception tests.
- II. The Department of Broadcast Standards and Practices will review all challenges received by ABC. If, in the opinion of the Department, the challenge appears to have merit, it will be transmitted to the challenged advertiser for a response. The response will normally be due within 14 days from the date the challenge is transmitted by ABC, or the date the challenger initiated its good-faith attempt to resolve the matter, whichever comes first. A different deadline may be established, depending upon the circumstances.
- III. ABC will maintain the confidentiality of the substantiation originally submitted by the challenged advertiser in support of the claim made in the advertising. However, the advertiser should endeavor to submit a response with supporting data, in a form which is suitable for transmittal to the challenger.

- IV. In order to resolve the issues raised by a challenge, it may be necessary to require the challenger and/or the advertiser to respond in person to the arguments and data presented. If ABC personnel do not have the technical expertise necessary to make a judgment, the advertiser and the challenger may be encouraged to obtain a resolution from an acceptable third party. ABC reserves the right to utilize outside consultants.
- V. In the event litigation or government action is commenced during the course of a challenge raising the same or substantially similar issues, ABC will generally defer consideration of the challenge and permit the disputed claims to air pending resolution by the responsible court or government agency.
- VI. ABC will normally permit a challenged commercial to continue to run unless: 1) it has been enjoined by a court; 2) it is voluntarily withdrawn by the challenged advertiser; 3) the challenged advertiser refuses to cooperate with the challenge procedures described above; 4) a determination is rendered against the challenged advertiser by ABC or by a third party to whom the challenge has been referred for resolution; or 5) the issues raised by a challenge are resolved, with finality, against the advertiser by a government agency or an appropriate court.

CHILDREN'S ADVERTISING

STANDARD

ABC recognizes that it has a special responsibility to children 12 and under. Because their cognitive abilities and sense of values are at varying stages of development, children are not always able to assess fully the credibility and meaning of certain advertising. At the same time, advertising to children can serve to inform them about the attributes of those products and services advertised, as well as about the world around them. Accordingly, ABC has a special set of guidelines for advertising that is designed primarily for children. These guidelines allow advertisers to present the positive attributes of products or services, while avoiding potential exploitation and deception and taking into account the special needs of children.

To ensure that children are able to distinguish between programming designed for them and the advertising therein, commercials must be separated from the program material with an appropriate separator device ("bumper").

If a program is directed to an audience of children 12 and under, a commercial for a product with which the program is associated may never be broadcast in or adjacent to that program. This is true even if the appearance of the program-related product in the commercial is brief, fleeting or incidental to the message of the commercial as a whole (for example, if a character related to the program appears only on the packaging of the product of the background art, in tie-in promotions or premiums extraneous to the product being advertised, or in a display of a product array within a commercial for a store).

Advertising and programming directed to children 12 and under is regulated by the Children's Television Act of 1990. This law strictly limits the amount of commercial matter in such programming which includes ABC's Saturday morning children's programs, as well as occasional matinee or prime time specials. The amount of commercial matter is restricted to no more than 10 ½ minutes per clock hour on weekends and 12 minutes per clock hour on weekdays. Exceeding these limits is a violation of FCC rules.

The Legal Department should be consulted if there are questions in this area.

GUIDELINES

I. General

- A. Any creative technique that may confuse the child by blurring the distinction between programs and commercials intended to sell products is unacceptable.
- B. Audio and video techniques that misrepresent, distort, exaggerate, or over- glamorize product attributes or functions are not permitted.

- C. Exhortative language, hard-sell techniques or delivery that compel or command some form of action by a child relative to an advertised product are unacceptable.
- D. Implied or explicit claims that a child's behavior or performance will be altered through use of a product should be avoided unless documentation adequately supports the claim. For example, advertising which represent maturity, athletic ability, personal achievements, and other such benefits as being derived from a product advertised are unacceptable without adequate documentation.
- E. When dealing with a child's self-concept and his/her relationship with others, all representations must be positive and constructive.
- F. Advertising must avoid implications that children may gain peer approval or will appear better than their peers through use or ownership of a product.
- G. Directing children to purchase or ask a parent to purchase a product for them is unacceptable. Advertising must avoid presumptions that a product can be obtained merely by asking for it.
- H. Appeals may not be used that directly or by implication contend that a child can obtain the approval of a parent or adult figure through use of the advertised product. To further avoid exploiting a child's dependence on the guidance of adults, statements of parental endorsement are unacceptable.
- I. Subject to J. below, celebrities and real-life authority figures, including actors (in and out of character), animated characters and athletes, may be used as product endorsers, presenters or testifiers, except when they are or have been identified through their profession or character with the product or service (e.g., an athlete may not be used as a product presenter for a line of athletic equipment).
- J. Children or adults who appear in a program designed primarily for children may not deliver commercial messages within or adjacent to the program in which they appear. This also applies to characters or products associated with a program; such products may not be sold, or such persons or characters may not appear in a commercial within or adjacent to that program. In addition, there must be intervening and unrelated program material between a commercial for a character or product and the start or close of the program associated with that character or product.
- K. Meaningful comparisons, which are adequately substantiated, will be permitted on a case-by-case basis. Such claims must be clear and unambiguous, provide factual information, and should not falsely represent competitors' products.

- L. Advertising and products advertised must be consistent with generally recognized safety standards (e.g., helmet when biking, helmet and knee pads when in-line skating, life jackets when rafting). Demonstrations may not depict harmful or dangerous use of a product. Eating and drinking while engaged in physical activity is unacceptable. Parental supervision is required when children are shown engaging in activities potentially dangerous to them (e.g., a child in bath or pool).
- M. Anxiety-producing or frightening material must be avoided. The portrayal of dangerous, unsafe, violent, harmful or anti-social behavior is unacceptable.
- N. The depiction of the following in a realistic fashion is unacceptable: criminal activities, war settings, and/or weapons.
- O. Advertising for medications, vitamin supplements, alcoholic beverages and personal products may not air within or adjacent to programs designed for children 12 and under.
- P. When items required to operate a product as demonstrated are not included in the original purchase, an audio disclosure will be required (e.g., "Batteries not included")
- Q. Clear disclosure of a product's method of operation and power source must be made in the audio, or with a video demonstration.
- R. When a commercial depicts multiple purchases, a separate purchase disclosure in audio is required.
- S. When a product requires assembly, the advertising should clearly disclose this information in audio in easily understood language (e.g., "You put it together"). In situations where parental help is needed for assembly, such a disclosure must be made (e.g. "Your parents put it together").
- T. Use of terminology like "only" or "just" that may minimize prices is unacceptable. Price claims can be included if documentation proves that there is a customary price in the majority of retail outlets where the commercials are scheduled.
- U. Sweepstakes may be advertised to children provided that:
 - 1. The commercial contains a clear audio statement indicating that not every entrant will win.
 - 2. The prizes are clearly depicted and appropriate for children.
 - 3. The disclosure of the alternate means of entry and the mail-in address must be clearly and conspicuously made in audio and video.

4. Depending on the details, other disclosures may be required.
(See Contests, Lotteries)
- V. Products must generally be available to at least 50% of the population in the markets where they are advertised. If national distribution has not yet been achieved, a product may be advertised provided that:
1. National distribution will be reached within one month.
 2. Audio and video disclosure is made that the product is not available in all areas.
 3. The minimum national distribution at time of air is 10%.
- W. The advertising of "900" number services directed to or appealing to persons under age 18 is not permitted. The advertising of "800" numbers will be considered on a case-by-case basis for adult-directed advertising for children's products. Where such exceptions are made, the following will be required:
1. A clear audio disclaimer easily understandable to children such as "A grown-up needs to call".
 2. The telephone script must reflect that the person taking the order determine the caller's age and refuse to process orders from any caller under the age of 18.
 3. The advertiser provides assurances that in any instance where a child may have placed such an order that a full refund will be made at a parent's request.

(See also "900" Number Advertising)

II. **Toys/Children**

In addition to the General Children's Guidelines, the following Guidelines apply to commercials advertising toys to children:

- A. Toy commercials should not mislead, exaggerate or distort a toy's play value. Advertising should present the toy on its actual merit as a plaything.
- B. Audio and visual production techniques may not misrepresent the appearance, performance, or attributes of toys. A producer's affidavit is required for verification.

- C. Playsettings should be representative of what a typical child is likely to experience and may not over-glamorize the play value of the toy product itself. Children should be shown demonstrating a toy's method of operation. Any demonstration of a toy's performance is limited to that which a child is reasonably capable of reproducing.
- D. A reasonable number of items may be shown per child, taking into consideration the nature of items, and the overall execution of the commercial.
- E. The original purchase must be clearly disclosed in the body of the commercial. There can be no implication that optional extras, additional units, or items that are not available with the toy accompany the toy's original purchase.
- F. The use of stock film footage, real-life counterparts of toys, fantasy and animation is acceptable if:
 - 1. Confined to 1/3 of the commercial, including no more than three separate segments; and
 - 2. No toy appears interacting with the fantasy animation, etc., except where the fantasy/animation, etc., is unrelated to the advertised product and no possible misconception by the viewing child could occur.
- G. The original purchase must also be disclosed in a three second "island" at the conclusion of the commercial. A voice-over announcer, who delivers the copy in a straightforward, dispassionate fashion must confine the audio to an objective product description. The video must be a static shot of the product and if the product has more than one piece, components must be arranged without any overlapping parts. While an unobtrusive product logo is permitted, no sell copy is allowed. If more than one purchase is shown in the "island", there must be a clear visual separation of the purchases.
- H. Items not available with the toy as sold or not reasonably accessible to the child without additional cost are not permitted.

III. **Premiums/Offers**

In addition to the Children's Guidelines and Toy Guidelines, the following apply to commercial advertising premiums and offers to children:

- A. The premium/offer must be presented within one continuous segment within the commercial, however, it may not exceed 1/2 of the commercial or twenty seconds, whichever is less in length. The remaining portion of the commercial must consist of clear and identifiable product sell. If the premium is related to and used with the product advertised, its incidental appearance in the product portion of the commercial will also be permitted on a case-by-case basis.
- B. The position of the premium/offer within the commercial is not restricted.

- C. To ensure that the premium/offer is clearly depicted, audio and video techniques must not misrepresent, distort or exaggerate the item or its size.
- D. Within the premium/offer segment, the use of fantasy, animation, stock footage or real-life counterparts is limited to 1/3 of the premium portion of the commercial. Up to two segments of such fantasy, animation, stock footage or real-life counterparts during the premium portion is permissible.
- E. A 2 1/2-second static limbo shot of the premium(s) must be shown.
- F. All material conditions of a premium offer should be stated simply and clearly. Positive disclosure of special information, such as price, mail-in, separate purchase or the need for assembly must be made in the audio, and, when deemed appropriate, in video
- G. All conditions for obtaining a "free" premium/offer must be clearly and conspicuously disclosed simultaneously in audio and video. The appearance of word "free" in the video shall not exceed in size that of the conditions disclosed.

IV. **Food/Children**

In addition to the General Children's Guidelines, the following Guidelines apply to commercials advertising food to children:

- A. Advertising for food must be in accordance with commonly accepted principles of good eating and nutrition. Advertising must not misrepresent the relationship between food and energy. Energy claims will be acceptable if documented and accurately depicted.
- B. Each commercial for breakfast-type products must include a simultaneous audio and video reference to the role of the product within the framework of a balanced meal. Balanced breakfast disclosures must avoid sell copy and should never imply that the product is an indispensable part of a nutritious breakfast.
- C. Special enriched foods or snacks designed to serve as a substitute for a meal may not be advertised to children.

V. **Candy, Snacks, Gum and Soft Drinks**

In addition to the General Children's Guidelines, commercials for the snack products may not recommend or suggest indiscriminate and/or immoderate use of the product.

VI. **Motion Picture and Videocassette Advertising**

- A. All advertising for domestic motion pictures and videocassettes directed to an audience of children 12 and under must carry a Motion Picture Association of America (MPAA) rating of G, PG, or PG-13, subject to the restrictions set forth below. Such rating must be clearly disclosed in audio and video.
 - 1. Motion pictures and videocassettes appropriate for a general family audience carrying the MPAA rating of G may be advertised in or adjacent to programs designed primarily for children 12 and under.
 - 2. Those motion pictures and videocassettes for which parental guidance is suggested (PG, PG-13), will be considered for scheduling in or adjacent to programs designed primarily for children 12 and under on a case-by-case basis and only after being screened by ABC.
- B. Motion picture and videocassette advertising directed to children 12 and under must be consistent with all applicable Children's Advertising and Motion Picture Advertising Guidelines. Therefore, the following would not be acceptable:
 - 1. Exhortative language (e.g. "Don't miss this film") or hard-sell delivery (e.g. "It's a film you have to see");
 - 2. Inappropriate language, adult sexual references;
 - 3. Depictions of violent, dangerous, antisocial behavior;
 - 4. Depictions of guns and/or realistic weapons;
 - 5. Depictions of tobacco products, drugs or alcoholic beverages;
 - 6. Material which may be frightening to children 12 and under;
 - 7. Rebates.

VII. **Advertising for Children's Products Directed to Adults**

Advertising for children's products during adult programming hours is acceptable under the following circumstances:

- A. Advertising that is fully compliant with the above guidelines for advertising directed to children 12 and under may be scheduled without any time restriction.
- B. Advertising for children's products which is submitted for programming not designed for children 12 and under must be clearly addressed to adults.

VIII. **Websites in Children's Advertising**

- A. A URL for a website may be included in the video portion of the advertising provided it does not obscure any pertinent information regarding the advertised product.
- B. Websites must include only information appropriate for children 12 and under.
- C. Websites must comply with the Children's Online Privacy Protection Act of 1998 which requires that websites must obtain parental permission before collecting, using or disclosing personal information from children.

CLAIM SUBSTANTIATION

STANDARD

All advertising claims must be substantiated with scientific, valid, and reliable research. Substantiation may include such research methods as laboratory testing, clinical studies, market research, surveys, and field tests. To avoid post-production revisions or other last-minute problems, appropriate substantiation should be submitted well in advance of production or scheduling of any commercial. Agencies and advertisers are encouraged to consult with Broadcast Standards and Practices before conducting claims research.

(See also Comparative Advertising, Product Demonstrations)

GUIDELINES

I. General

- A. Advertising claims should not distort or exaggerate the conclusions that may be derived from the substantiation. If claims are valid only under some circumstances, those limitations must be clearly disclosed.
- B. Research is required to support a variety of claims ranging from product performance to consumer preference and the advertiser must document that the results: (1) are not likely due to chance (i.e., they are statistically significant), (2) are consistent with results one could expect from the product as purchased and used by consumers, and (3) are meaningful to consumers (i.e., not merely statistically significant).
- C. Sample size is dependent upon the scope of the study and the claim being substantiated. (See test design section below for additional information.) Sample size must be large enough to use standard statistical procedures to analyze results.
- D. If research is being used to substantiate a comparative claim, all relevant competitive products compared against must be tested. If a product or service is being compared to an entire market, it must usually be tested against the top 85% of that market, based on current unit sales data. In addition, for superiority claims, wins must be statistically significant at the 95% confidence level with a one-tailed test, against each product tested.
- E. In determining the express and implied claims in commercials, perception testing submitted by advertisers bearing upon the perceived meanings which consumers derive therefrom will be considered. While such testing will be considered as a factor, its conclusions will not necessarily be regarded as dispositive.

II. **Documentation of Research**

- A. Detailed documentation is required to evaluate claim substantiation. Material submitted for review should include:
1. A complete description of the research methodology, even when an industry standard procedure is used. This descriptive material should include, where appropriate:
 - a) The procedure used to recruit participants into the study, sample size, eligibility requirements, demographic information about the research participants, and the locations where the testing was done.
 - b) Questionnaires, field instructions, all written and/or verbal instructions received by the study's participants, and any concepts shown to the study's participants.
 - c) The methods used to "blind" the products to researchers and subjects.
 - d) Information regarding the party who conducted the research, details of the source of test product, and instructions given to those who selected or purchased test product.
 2. While a detailed summary may suffice, submission of a full report of a study's results, the details of all measurements taken, and subsequent statistical analysis will expedite clearance.
 - a) Results must be statistically significant at the 95% confidence level. The proportion of the sample unable to express a preference must be identified and excluded.
 - b) The nature of some test methodologies may require that the advertiser demonstrate how the results of the testing correspond to the product's performance under actual consumer use conditions.
 - c) Where possible, visual measurements should be supplemented with photographs or a videotape.
- B. If the claim is based on sales figures, the substantiation should be based on annual or quarterly unit sales, and not be more than one year old, unless a longer period is specified in the commercial. The source of the data must be provided.

III. **Substantiation Requirements for Doctor Recommendation Claims**

- A. Substantiation is required when an explicit doctor recommendation claim is made, or when it is implied (e.g. medical instruments or settings are depicted).
- B. This testing must contain a minimum of 200 doctors from the appropriate specialty or specialties. The sample should be randomly chosen (e.g., from a phone book or AMA list) and geographically dispersed.
- C. The research should be blinded so that the doctor does not know the sponsor of the study.
- D. The key question should be the first one asked and be phrased to inquire about current preferences (e.g., recommendations during the past 6 months). Examples are: *What product do you currently recommend for the treatment of X?* *Which of the following active ingredients do you currently recommend for the treatment of X?*
- E. A minimum of twenty-five percent of this sample must prefer the product or formula in order to meet the requirements of ABC's Medical Product Advertising Guidelines.

IV. **Test Designs**

A. Laboratory Testing

Testing within a laboratory is often necessary when specialized analyses or equipment are needed or as a means of establishing with a higher degree of certainty the nature of the causal relation among several variables. All testing must be conducted in accordance with recognized scientific procedures. Applicable government, industry, or other established testing standards may be used. However, advertisers may choose not to follow in whole or in part an applicable government, industry or other established test standard provided they furnish an acceptable explanation for employing such alternate testing.

When laboratory testing is not based on a product's performance as used by consumers but a simulation of that performance (e.g., a laboratory mock-up of clogged drains or kitchen countertop grease), the advertiser must:

- 1. Provide clear and convincing evidence that the simulation accurately reflects the product's performance under actual consumer use conditions; and
- 2. Establish the impracticality or impossibility of demonstrating a product's performance under actual consumer use conditions.

B. Clinical Studies

Clinical trials are frequently used to support efficacy claims in over-the-counter drug advertising and in certain cosmetic categories. Established standards of clinical research must be applied, including use of controls, objective data collections and analysis. Studies should be double-blind (i.e., neither subject nor researcher knows product identity). Results must be clinically, as well as statistically, significant. Applicable government, industry, or other established testing standards may be used. However, an advertiser may choose not to follow in whole or in part an applicable government, industry or other established test standard provided they furnish an acceptable explanation for employing such alternate testing.

C. Market Research

Acceptability of a particular protocol is contingent upon the claim being made. In general, the more objective the claims, the more objective and rigorous the testing required.

1. Central location tests, In-home use tests

- a) Testing which requires respondents to express a preference should be double blinded (i.e., neither subject nor researcher knows product identity). A minimum of product information should be provided to respondents. Concepts or any type of promotional material should not accompany test products. Product coding should not clue respondents as to the product's identity.
- b) Side-by-side or sequentially paired comparison testing is preferred for comparative claims. As a general rule single monadic tests, where participants are given one "blinded" product to use in place of their regular brand, do not sufficiently support comparative claims.
- c) If a product is nationally distributed or if a claim implies that attributes are nationally projectable, testing should be conducted in at least four geographically dispersed and representative regions of the country, as defined by the Bureau of the Census. If a product is new and therefore nationwide testing is not feasible, limited testing may be temporarily accepted. Off-the-shelf testing should be conducted once the product is in national distribution.

- d) Respondents must be representative of the population referred to in the advertisement. They should possess enough experience with the product category to be able to express an opinion. Brand usage in a sample should parallel usage in the marketplace. To demonstrate this relationship, current market share data presented in unit sales must be submitted from valid sources.
- e) Sample size is dependent upon the scope of the study and the claim being substantiated. For superiority claims a minimum sample size of 200 is required. For parity claims, since there must be a high degree of certainty that there is no difference between products, a minimum of 500 subjects is required.
- f) Questionnaires should be objective, clear, unambiguous and appropriately worded to substantiate the claims being tested.
- g) For superiority claims, the advertiser must demonstrate a win at the 95% confidence level versus the competition. If the advertised product wins at the 95% confidence level on key attributes, and is at parity on others, an overall superiority claim may be permitted. If the advertised product does not demonstrate wins for all key attributes, the claims must be limited to the winning attributes.
- h) Because central location testing allows greater control of the test situation, it is preferred over home use testing.

2. Expert Panels

The evaluation of a panel of experts must be objective, and results should be statistically sound. Since the reliability of expert evaluations may be uncertain, advertising based on such testing will often require audio disclosure (e.g., "According to a panel of experts . . ."), and/or a video disclosure (e.g., [Super:] "Products evaluated by a panel of experts").

3. Focus Groups

Focus groups or informal discussion groups may be used to support certain subjective claims. Data from focus group studies are not sufficient to document comparative claims. For monadic claims, data from focus groups are usually adequate if submitted with a product sample or other product information. The more subjective the claim (e.g., "X tastes good"), the more weight will be given to focus group studies.

V. **Product Procurement and Preparation**

- A. For comparative claims, all tested products must be procured in the manner which most closely replicates typical consumer purchasing patterns. In most cases, this means purchasing products off-the-shelf in the same markets in the locations where testing is conducted. Products should be obtained in identical types of containers and handled/transported to test sites in exactly the same manner.
 - 1. Sometimes one or all of the tested products are obtained from a distributor or manufacturing plant rather than at retail. In these cases the advertiser must submit a rationale supporting the sourcing method employed. Whether failure to purchase at retail will result in rejection depends on the circumstances.
 - 2. When a new or recently reformulated product is not available off-the-shelf, the competitive products must be treated as equally as possible. For example, all products should be comparatively aged, and whenever possible, products should be collected in the same manner (i.e., from a distributor). The advertiser must demonstrate that products, which are not obtained at retail, are identical to those that will be marketed. While this type of testing may be acceptable for preliminary claims (e.g., "the new taste of X beats the taste of Y"), once the new product is in national distribution, off-the-shelf testing should be conducted.
- B. Product "tampering" is unacceptable. If some samples require laboratory analysis those samples should not be opened for physical testing and then re-sealed and used in the test. All products should be prepared according to label directions.

COMMUNITY SENSIBILITIES

STANDARD

ABC will accept no advertising which misrepresents, ridicules, or attacks an individual or group on the basis of age, color, national origin, race, religion, sex, sexual orientation, or handicaps. Special sensitivity should be exercised in dealing with these concerns.

Advertising which promotes or accepts violence, crime, or obscenity is unacceptable, as may be advertising which promotes or accepts other forms of anti-social behavior.

COMPARATIVE ADVERTISING

STANDARD

Comparisons and demonstrations must be based on specific differences between the products or services advertised, comparing similar or related properties or ingredients, dimension to dimension, feature to feature and be significant and meaningful.

Comparative advertising may not distort or exaggerate differences between competitive products or services or otherwise create a false, deceptive or misleading impression.

(See also Claim Substantiation, Product Demonstrations.)

GUIDELINES

Truthful and fair comparative advertising can provide consumers with useful information and aid them in making a rational choice between competitive products or services.

These guidelines apply to the evaluation of commercials which name or otherwise identify, directly or indirectly, competitive products or services.

I. Identification

- A. Competitive products or services must be clearly and accurately identified.
- B. Identification of a competitive product or service shall be for comparison purposes only. Identification may not be used to upgrade the advertised product or service by associating it with a competitive product or service if such association creates a deceptive or misleading impression.
- C. False or misleading disparagement of competitive products or services shall not be used. Falsely claiming that a competitive product or service has little or no value (i.e., ash-canning), is not permitted.

II. Claims

- A. Comparative claims shall be clearly and accurately conveyed.
 - 1. Claims, demonstrations and other representations must include all information necessary for their proper understanding by the average consumer. They must fairly and accurately reflect the empirical data upon which they are predicated.
 - 2. Inadequately qualified language, "dangling comparatives", and similar references are not permitted.

3. The manner of execution can affect interpretation of a claim. Copy which appears as puffery in script or storyboard form, when improperly executed, can come across as an objective claim when produced, and vice versa. Therefore, care must be taken in execution to avoid a net impression which is unacceptable under these guidelines.
 4. Demonstrations, graphic techniques, and reproductions or displays of research tests must not cause the consumer to reach an erroneous conclusion about the respective merits of the products compared.
 5. Visual supers may not be used to materially alter a claim (e.g., by substantially narrowing a general superiority claim). Supers may provide only minor clarification and must be so limited.
 6. Visual product depictions may not be used to materially alter a claim (e.g., a general superiority claim for a product line cannot be substantially narrowed to one product in the line merely through the depiction of that one product).
- B. Objective claims are measurable and verifiable. They generally deal with performance, efficacy, sales, preference, mileage, taste, and other tangible attributes. These claims must be supported by adequate substantiation.
1. Claims, demonstrations, and other representations must be based on specific differences between the products or services advertised, comparing similar or related properties or ingredients, dimension to dimension, feature to feature and be significant and meaningful.
 2. Comparative claims based solely on consumer preference, professional preference, or sales data, shall not create an impression of comparable or superior effectiveness or performance.
 3. Comparisons of retail price may not be utilized in advertising unless the compared prices accurately and fairly reflect the actual prices of the products generally available at the retail level during the period the advertising is broadcast and within the entire geographical area in which the advertising is broadcast.
 4. Switching claims (e.g., "consumers are switching from Brand A to Brand B") require substantiation that a gain made by a brand, product or service came at the detriment of the appropriate competitive brand(s), product(s) or service(s).
 5. Taste claims which give the impression of being objective rather than simply being personal opinion must be supported by competent taste testing data.
- C. Puffery claims are subjective claims which cannot be verified (e.g., "When I wear X, I look my best" and "Y is the most terrific game around.") Since they deal with subjective preferences or hyperbole, they cannot be proved or disproved.

Such claims are generally acceptable in adult programming without support as long as the clear net impression upon the viewing public is that these claims are subjective, personal preference or hyperbole.

- D. Goal or promise claims expressing commitments or objectives established by the advertiser for its product, service, or company generally cannot be verified. Such claims are generally acceptable provided that it is clear that they are simply the advertiser's self-made goals or aspirations. However, if the claim appears to be an objective statement of performance, the claim must be supported.
- E. As a general rule, slogans that make claims must be substantiated. A trademark registered with the Patent and Trademark Office qualifies as an exception to this general rule.

CONDOM AND CONTRACEPTIVE ADVERTISING

STANDARD

The ABC Television Network does not accept the advertising of condoms or other nonprescription contraceptives.

Advertising for prescription contraceptives is generally unacceptable. In ABC's sole discretion, advertising for such prescription products may however be deemed acceptable *provided that* the product itself meets ABC's prescription drug advertising and other applicable policies, *and* the advertiser submits extensive public opinion research about the product and its advertising to allow ABC to determine the acceptability of such advertising for its mass audience.

The advertising of such products poses a range of complex policy considerations, therefore as with other sensitive product categories, scheduling restrictions are likely to apply

CONTESTS

STANDARD

Advertising for advertiser-sponsored contests is acceptable if the contest offers a fair opportunity for all contestants to win, does not constitute a lottery, and complies with all applicable federal and state laws. Such advertising must not falsely or unfairly raise hopes and expectations of winning.

GUIDELINES

I. Contests

- A. Contests fall into three general categories - skill contests, lotteries, and games of chance.
 - 1. A skill contest is one in which the winners are determined on the basis of the contestants' skill.
 - 2. A lottery is a contest which contains a) the expenditure of "consideration" to enter, b) chance, and c) prize. All three elements must be present for the contest to be a lottery under federal or state law.
 - 3. A game of chance (including, but not limited to, a sweepstakes) is one in which winners are randomly selected by chance. No element of skill or consideration is involved.
- B. The broadcast of any advertisement or information concerning a lottery is a criminal offense under 18 U.S.C. 1304, except for official or unofficial lotteries permitted by state law. (See Lotteries, or consult the Legal Department.)
- C. ABC reserves the right to require the advertiser to submit all details of a proposed contest, including an entry blank, game card, complete rules, and a list of all prizes for approval prior to production of the commercial.

II. Consideration

- A. Contests that award prizes on the basis of chance are generally illegal unless free entry is possible. To satisfy this requirement, free chances must be available on a basis that is reasonably equal to that which contestants who purchase a product (or make some other form of payment) may obtain chances.

- B. Advertising for a contest which depends for its legality on the reasonably equal availability of free chances should adequately describe the availability of such free chances and the locations, times and manner in which they may be obtained. Such phrases as "No Purchase Necessary" or "Nothing to Buy" without more information may not always meet this requirement.
 - 1. "No Purchase Necessary," "Void Where Prohibited," or equivalent language must be disclosed if pertinent.
 - 2. "Void Where Prohibited" may be waived if the contest is limited to a local area where the statement is not applicable.
- C. A skill contest in which there is consideration can become a lottery if chance is present in any form (e.g., an unknown number of multiple winners share the prize or in the event of a tie, winners are determined by random drawing).
- D. In particular, the copy must not be misleading, and depending upon the nature of the advertiser-sponsored contest, the following should generally be disclosed:
 - 1. Specific eligibility and entry requirements
 - 2. Termination date (deadline for entries)
 - 3. No purchase necessary (see II. B. above)
 - 4. Void where prohibited (see II. B above)
 - 5. Where to get complete rules
 - 6. Criteria for judging winning entries in contests involving skill
- E. Contests conducted by publishers, which require the purchase of the publication, must provide a free means of viewing the details or answers when the element of chance is present. Otherwise, such a contest becomes a lottery since the purchase price accrues to the publisher.
- F. The mention of a monetary prize which is awarded over a period of time rather than being paid in full must be accompanied by a disclosure indicating that it will be paid in a specified number of installments of a specified amount.
- G. Subject to state law restrictions and exceptions, contests which require winners to purchase a product in order to redeem a prize are generally acceptable, provided no purchase is required to enter such a contest and appropriate disclosure is made in the advertising.

- H. If the advertiser has more than one outlet or franchise and the contest is not carried by all of them, disclosure must be made that the contest is confined to participating outlets.
- I. All contests conducted by food and gasoline retailers must comply with the Federal Trade Commission's applicable trade regulation rule.

III. **Network Contests**

- A. An FCC regulation states:
A licensee that broadcasts or advertises information about a contest it conducts shall fully and accurately disclose the material terms of the contest, and shall conduct the contest substantially as advertised. No contest description shall be false, misleading or deceptive with respect to any material term.
 - B. Although the material terms of contests may vary, they generally include:
 - 1. How to enter or participate
 - 2. Eligibility restrictions
 - 3. Entry deadlines
 - 4. The extent, nature, and value of prizes
 - 5. Time and means of selection of winners
 - 6. Tie-breaking procedures.
 - C. If a chance contest is involved the copy must include "No Purchase Necessary" if pertinent and it must be clear how a person may enter without making a purchase.
 - D. If a skill contest is involved copy must include criteria for judging.
 - E. Clear sponsorship identification must always be made.
- IV. The mention of a monetary prize which is awarded over a period of time rather than being paid in full must be accompanied by a disclosure indicating that it will be paid in a specified number of installments of a specified amount.
- V. Contests which are directed to children are subject to additional requirements.

(See Children's Advertising)

CONTROVERSIAL ISSUES

STANDARD

ABC believes that, as a general matter, it can most fairly and thoroughly inform the public about important public issues through news and public affairs programming rather than through paid advertising. This approach is intended to ensure that the agenda of issues to be covered is based on the editorial judgments of Network personnel and not on the interests of those who can afford to purchase broadcast time. Consequently, the ABC Television Network does not sell time for advertising that discusses controversial issues. This policy is not intended to apply to the sale of time to political candidates, to those authorized by candidates to buy time on their behalf and to political parties.

A controversial issue is a matter that has an impact on society or its institutions as to which different segments of the community have opposing positions. This policy does not preclude mere references to a societal problem where there is consensus as to the existence of the problem. However, the policy would ordinarily preclude discussion of answers or solutions to the problem because typically they are a matter of debate or difference of opinion.

An advertisement will be unacceptable if it directly addresses a controversial issue of public importance and takes an explicit position thereon, or if the advertisement presents information or makes statements which have the effect of paralleling (and therefore advancing) the positions taken by partisans in the controversy.

CRIMINAL ACTIVITIES

STANDARD

Advertising may not contain the portrayal of specific, detailed techniques that provide instruction in the commission of crimes, the use of weapons, or the avoidance of detection.

DISTRIBUTION OF ADVERTISED GOODS/SERVICES

STANDARD

Products and services must be available at the retail level in the area(s) where they are advertised.

In order that consumers not be misled about the availability of new or reformulated products, distribution information for these products must be submitted in order to determine whether disclosures regarding limited product availability will be required.

GUIDELINES

- I. If the advertiser has not yet begun distribution, ads will be acceptable if distribution is imminent in the market(s) advertised, so long as they affirmatively disclose that the product is not yet available (e.g., "coming soon").
- II. If the advertiser has begun distribution, and has substantiated this fact, then the product(s) may be advertised so long as limited availability is affirmatively disclosed (e.g., "not available in all areas," "available only in certain cities," etc.).
- III. Once distribution to at least 50% of the population in the market(s) advertised has been acceptably demonstrated, no distribution disclaimer will be required.

DRAMATIZATIONS, REENACTMENTS, AND SIMULATIONS

STANDARD

Advertising which utilizes a dramatization, reenactment, or simulation must clearly and conspicuously disclose the use of these techniques. However, if the advertising involves a "slice of life", no disclosure is necessary.

Advertising which utilizes a reenactment or simulation must accurately depict the product or service involved. Reenactments must accurately depict the event portrayed. When actors are used in a reenactment to portray the actual persons who were involved, disclosure must be made that actors have been utilized.

GUIDELINES

I. Definitions

- A. A dramatization is a fictionalized depiction created solely for the purpose of the advertising to portray the event, product or service involved.
- B. A reenactment is a recreation of an actual event, utilizing either the actual persons involved or actors portraying those persons.
- C. A simulation is an imitative representation of the performance of a product.
- D. A "slice of life" is an obvious fictionalized dramatization of a real-life situation.

ENDORSEMENTS

STANDARD

Endorsements must reflect the honest opinions, beliefs, findings, or experience of the endorser. The endorser may be an actual consumer (including a celebrity), an expert, or an organization. Endorsements may not contain any claims that could not be substantiated if made directly by the advertiser.

GUIDELINES

All endorsements must comply with the Federal Trade Commission Final Guides Concerning Endorsements and Testimonials in Advertising, 16 C.F.R. 255. For purposes of the FTC Guides, endorsements and testimonials are treated identically.

ABC reserves the right to request a witnessed or notarized statement signed by the endorser attesting to the truthfulness of all testimonial representations, as well as a statement that the advertising agency believes the statements to be true and in compliance with the FTC Final Guides Concerning Endorsements and Testimonials in Advertising.

In addition, to ensure that rights of privacy and publicity are protected, when advertising is submitted to ABC containing a testimonial or other use of a person's name or other identification, including a picture or footage, ABC reserves the right to require written evidence that such name, likeness or voice is used with the specific consent of such person.

(See also Privacy and Publicity Rights)

As a summary and elaboration of the FTC Guides, the following guidelines apply:

I. Definitions

An endorsement is any advertising message which consumers are likely to believe reflects the opinions, beliefs, findings, or experience of a party other than the sponsoring advertiser. Such opinions, beliefs, findings or experience may be those of any individual, group, or institution.

- A. An obvious fictional dramatization of a real-life situation (commonly referred to as a "slice of life") is not an endorsement.
 - 1. The use of both first and last names for fictitious consumers in an advertisement is presumed to be an endorsement rather than a slice of life. Subject to case-by-case review, an advertiser may attempt to rebut the presumption when the following conditions are met:

- a) The fictitious consumers shown in the ad are ordinary people and are not identified by a profession or activity that enhances their authority or opinion.
 - b) The fictitious consumers do not speak about the product or its attributes.
 - c) The advertiser must substantiate that any claims attributed to the fictitious consumers are truthful and representative and not misleading or deceptive.
- B. An announcer clearly serving as a spokesperson for the advertiser, speaking on behalf of the advertiser rather than expressing his own opinions, is not an endorser.
 - 1. Subject to a case-by-case review, fictitious spokespersons who are identified with first and last names may be allowed in advertising so long as they appear in a continuing series of ads and serve as the fictitious spokespersons for the product, provided that these fictitious spokespersons are not presented as possessing or claiming to possess any special expertise that may enhance the claims being made.

II. **Guide 1 - General Considerations**

- A. Endorsements must reflect the honest opinions or experience of the endorser and may not contain any claims which could not be substantiated if made directly by the advertiser.
- B. An endorsement may not be presented out of context or reworded so as to distort it. A celebrity or expert endorsement can be used only as long as the advertiser has good reason to believe that the views presented continue to represent those of the endorser.
- C. Where an advertisement represents that the endorser uses the endorsed product, the endorser must be a bona-fide user.

III. **Guide 2 - Consumer Endorsements**

- A. Because a consumer endorsement based on the endorser's experience regarding a key product attribute implies that this experience is representative of what consumers will generally achieve, advertisers must possess support for this implied claim. Otherwise, they must clearly and conspicuously disclose either what the generally expected performance would be, or the limited applicability of the endorsed performance.

- B. Consumer endorsements of drugs must be supported by adequate substantiation and be consistent with any Food and Drug Administration determinations regarding the drug.

IV. **Guide 3 - Expert Endorsements**

- A. Whenever an advertisement represents that the endorser is an expert, his qualifications must in fact give him the expertise he is represented as possessing.
- B. An expert's endorsement must be supported by an actual exercise of his expertise in evaluating product features or characteristics. While the expert may take into account factors outside his expertise, such as matters of taste or price, his evaluation must have included an adequate examination or testing of the product.

V. **Guide 4 - Endorsements by Organizations**

Organizational endorsements must be reached by a process that fairly reflects the collective judgment of the organization since these endorsements are viewed as representing the judgment of a group whose collective experience is objective and exceeds the experience of any individual member. If the organization is represented as expert, its endorsement must meet the criteria of Guide 3 on Expert Endorsements.

VI. **Guide 5 - Disclosure of Material Connections**

Advertisers must fully disclose any connection between the advertiser and the endorser that might materially affect the weight or credibility of the endorsement, such as payment or the promise of payment to an "actual consumer" (who is not an expert or celebrity) prior to, and in exchange for, the endorsement.

FINANCIAL ADVERTISING

STANDARD

Advertising of banking services, brokerage services, stocks and bonds, real estate, futures and options trading services, and other investments is acceptable, provided that all relevant material restrictions, risk factors and qualifications are disclosed, and that the advertising conforms with applicable law. Whenever the advertising includes any prediction of potential investment results, risk factors must be disclosed. On-line investment services must disclose material conditions unique to their product or service, e.g., that response times for executing orders may depend on market or other conditions.

GUIDELINES

I. Banking Services

Banking services may be advertised, provided that appropriate disclosure is made of all relevant material restrictions and penalties. Advertising of deposit accounts must contain the specific disclosures required by Regulation Q.

II. Stocks and Bonds

- A. All material restrictions and qualifications must be disclosed. When the claim "tax free" is made, if the securities are not free of all taxes (federal, state, and local), full disclosure must be made of any qualifications (e.g., "federal tax free").
- B. The advertising for, or "tips" on, specific stocks is not acceptable.
- C. If an offering can be sold only by a prospectus, that fact must be disclosed. When required by law, the advertising must also state from whom a prospectus may be obtained and advise the investor to read it carefully before investing.
- D. The Office of Disclosure and Adviser Regulation of the Securities and Exchange Commission is available to answer questions regarding interpretation of the law and regulations applicable to investment company advertising. (450 Fifth Street, NW, Washington, DC 20549, (202) 942-2900.)

III. **Futures and Options Trading Service**

- A. Because of the risk factors involved, as a matter of course, ABC consults with the National Futures Association (NFA) and the Better Business Bureau when investigating advertising for futures and/or options.

The National Futures Association has compliance rules applicable to such trading services, which can be used as a reference when deciding if a particular company's advertising is acceptable. (20 W. Madison St., Chicago, IL 60606, 312-781-1300).

FIREARMS, AMMUNITION AND FIREWORKS

STANDARD

Advertising of firearms and ammunition is limited to sporting rifles and ammunition promoted solely for sporting purposes and in conformity with recognized standards of safety and applicable laws and regulations.

The advertising of handguns and attendant ammunition is not acceptable.

Advertising for the sale of firearms and ammunition by mail order is unacceptable.

The use of firearms as a prop in non-firearm advertising is generally unacceptable, and then usually only in advertising for legitimate security services, military recruiting and the like. Such uses in historical footage or period settings may be permissible.

The advertising of fireworks is not acceptable.

FOOD

STANDARD

Advertising may not overstate the nutritional value of foods. Use of words such as "nutritious", or "healthy" must be substantiated and may not be used to exaggerate or distort food value. Health and energy claims for foods and food ingredients will be considered on a case-by-case basis. Such claims must be fully substantiated and put in the context of a total diet. All food advertising must comply with the provisions of the Nutrition Labeling and Education Act of 1990 (NLEA).

GUIDELINES

I. Nutrition Information Claims

- A. Nutrient content descriptors (e.g., "low fat", "calorie-free", "good source", "reduced", and "light") must comply with the applicable NLEA definitions for those terms.
- B. Foods advertised as meal substitutes are considered on a case-by-case basis and evaluated from the perspective of the completeness of the nutrition provided. Unless a food provides the nutritional equivalent of a balanced meal, food advertised as a meal substitute:
 - 1. May only be presented as an occasional replacement for meals when a person is unable to eat properly; and
 - 2. May not be positioned as a permanent part of the daily diet.
- C. Food possessing reduced or low levels of an ingredient should not be advertised to suggest that the food can be consumed in large amounts without consequences. Any implication of immoderate consumption is not acceptable.

II. Health Claims

- A. Overly broad, health or nutritional benefit claims are not permitted.
 - 1. Claims which distort the importance of a food or a food ingredient or suggest an advantage beyond what exists are unacceptable.
 - 2. Unless substantiated, implying that one individual food is more important than other dietary components is not permitted.

- B. Because good nutritional practices dictate that a healthy diet should generally be high in fiber and low in cholesterol and be comprised of a number of food sources balanced in terms of protein and carbohydrates, it may be necessary to place an individual food in the context of a complete meal in audio and/or video.
- C. Health claims will not be acceptable in those instances where a product possesses both healthy and unhealthy components which bear on the claim being made (e.g., a product containing no cholesterol cannot advertise itself as healthy or helping to prevent heart disease when that product is also high in sodium).

III. **Energy**

- A. Since energy comes from calories, when advertising claims that a food provides energy, that energy must be described as "caloric energy", or the claim must be adequately qualified (e.g., "because it's high in complex carbohydrates").
- B. Claims suggesting that the consumption of food or food ingredients will result in mental and/or physical enhancement are unacceptable unless substantiated.

FREE

STANDARD

The word "free" is recognized as a strong inducement in advertising copy.

An offer may be described as "free", provided that all conditions for obtaining the "free" product or service are clearly and conspicuously disclosed.

GUIDELINES

- I. When "free" merchandise is offered with the purchase of another product, the advertiser's usual price, quality and quantity for the purchased merchandise may not be altered.
- II. When a new product or service is offered "free" with the purchase of an existing product or service, the offeror will be expected to discontinue such "free" offer after a limited time and to then begin to sell the new product or service separately at its fair market price.
- III. Any limitation regarding availability must be disclosed.
- IV. Advertising must comply with Federal Trade Commission Guidelines covering "free" offers.

GAMBLING

STANDARD

Advertising of private or governmental organizations which conduct legalized betting on horse racing (whether at the track or in off-track betting places) or other sporting events is acceptable, provided such advertising does not unduly exhort the public to bet. (See also Lotteries)

Casino advertising is acceptable, but not for its gaming activities.

GUIDELINES

I. General

Lawful advertising by private or governmental organizations that involves gambling will be reviewed on a case-by-case basis. Such advertising may not falsely or unfairly raise hopes and expectations of winning. Such advertising must be in conformance with all legal requirements, including 18 U.S.C. 1304 and 1307.

II. Off-Track Betting

The advertising of private or governmental organizations, which conduct legalized off-track betting, is acceptable, provided such advertising does not falsely or unfairly raise hopes and expectations of winning.

III. Racetracks

Racetrack advertising is acceptable where permitted by law, provided the advertising does not contain anything which would falsely or unfairly raise hopes and expectations of winning.

IV. Casinos

Although advertising for casino gambling is not acceptable, it is permissible to accept advertising for organizations which operate legal gambling casinos as long as the advertising does not depict the organization's gaming room or simulate or suggest its particular gambling activities (e.g., its current slot machine jackpot grand prize). An organization which has the word "casino" in its name, may use its full name in its advertising.

V. *Native Americans*

Federal law permits the advertising of bingo and certain other games by qualified Native American reservations. Broadcast Standards and Practices will consult the Legal Department before accepting such advertising.

GOVERNMENT ACTION

STANDARD

The actions of a federal, state, or local government agency or court may affect the question of whether or not advertising claims made on behalf of a particular product or service are acceptable. In some cases, such as advertising which includes credit terms, there are rules which apply to all such advertising. In other cases, the government action involved may relate to specific advertising.

Advertising which does not comply with established rules, such as those requiring the disclosure of credit terms, is unacceptable, as is advertising which violates the order or ruling of a governmental agency or court.

Advertising which involves claims which the government has announced are subject to investigation or other governmental process, will be considered on a case-by-case basis and accepted only after it is determined that broadcast of the advertising would not be contrary to the public interest. If the government action is resolved with finality against the advertiser, the advertising will be withdrawn.

In the event litigation or government action is commenced raising the same or substantially similar issues raised by a challenge, ABC will generally defer consideration of the challenge and permit the disputed claims to air pending resolution by the responsible court or government agency.

GUARANTEES OR WARRANTIES

STANDARD

Reference to guarantees, warranties, or similar terms in advertising copy must comply with all applicable laws and governmental rules and regulations, particularly with the Magnuson-Moss Warranty Act and the rules promulgated thereunder by the Federal Trade Commission.

Advertisers should generally disclose whether an advertised warranty is "full" or "limited", its duration, and any major limitations of the warranty, such as parts excluded or costs or responsibilities the customer must undertake. Disclosure should also be made that the rest of the warranty can be seen at the store, or "See dealer for details", or the like.

GUIDELINES

The following Guidelines apply to advertising in which reference is made to a guarantee, warranty, or other promise or representation in the nature of a guarantee or warranty.

- I. A copy of the actual written guarantee or warranty should be submitted to Broadcast Standards and Practices.
- II. In general, any commercial referencing a guarantee or warranty must either clearly and conspicuously disclose that the guarantee or warranty is available for presale inspection before purchase, or disclose the material terms and limitations of the warranty. This disclosure can be presented in either the audio portion or in the video portion as a printed disclosure provided that the video disclosure appears on screen for at least five seconds. The disclosure must be made simultaneously with, or immediately following, the warranty claim.

III. **"Satisfaction or your money back" Representation**

"Satisfaction or your money back", "30 day free trial", or similar representations will be construed as a guarantee that the full purchase price will be refunded at the option of the purchaser. Any material conditions, such as return of the product within a specific period after the purchase date must be disclosed as provided in Guideline II.

IV. **Lifetime Guarantees**

If "lifetime", "life", or similar terms are used in advertising to indicate the duration of a guarantee, and they relate to any life other than that of the purchaser or original user, the life referred to must be clearly and conspicuously disclosed.

V. **Guarantee as a Representation**

A guarantee can be employed in advertising to constitute a claim. An example is: "Guaranteed to improve gas mileage when added to your car's tank." In such a case the guarantor must not only undertake to perform under the terms of the guarantee and provide the disclosure required by Guideline II, but also must substantiate any express or implied claims made.

HYPNOTISM

STANDARD

Advertising for clinical hypnosis services is acceptable.

Advertising which includes realistic hypnosis or hypnotic techniques by act or demonstration is unacceptable in any context.

GUIDELINES

- I. Clinical hypnosis service advertising must disclose the purpose of the service provided and that hypnotic methods are utilized.
- II. Claims for the clinical hypnosis services must not overstate their effectiveness and must be presented in good taste.

LOTTERIES

STANDARD

Federal and state law generally prohibits the broadcast of information regarding lotteries, including commercials for lotteries. There are limited exceptions, listed below.

Advertising for the following types of lotteries may be accepted, only after consultation with the Legal Department:

1. Bingo and certain other games by qualified Indian reservations (Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.).
2. State-conducted lotteries when broadcast by a station in that state. (A station located in a state that conducts a state lottery may also broadcast information concerning the lottery of any other state.)
3. Lotteries which are legally permissible under state law and are conducted by not-for-profit organizations, governmental organizations (other than state-conducted lotteries described above), or commercial⁷ organizations, if the lottery is clearly occasional and ancillary to the primary business of that organization. (Charity Games Advertising Clarification Act of 1988, 18 U.S.C. 1307).

GUIDELINES

- I. The elements of a lottery are prize, chance and the payment of consideration. All three must be present to constitute a lottery. If a contest requires skill, it may still be a lottery if an element of chance is present (e.g., if the winner of any prize is determined by a drawing among the contestants who submitted correct answers).
- II. Advertising should fully disclose the purpose, structure, mechanics and rules of the lottery.
- III. Except in the case of a state-sponsored lottery, the mention of a monetary prize which is awarded over a period of time rather than being paid in full must be accompanied by a disclosure indicating that it will be paid in a specified amount of installments of a specified amount.
- IV. Advertising must not falsely or unfairly raise hopes and expectations of winning.

MAIL ORDER, TELEPHONE, INTERNET AND DIRECT RESPONSE ADVERTISING

STANDARD

Mail order, telephone, internet and direct response advertising is advertising which permits the consumer to order by mail, telephone or computer. Such advertising must conform to all applicable legal and regulatory guidelines, including the Federal Trade Commission's Mail and Telephone Sales Order Rule.

GUIDELINES

- I. Product(s) offered must be otherwise acceptable under ABC Advertising Standards and Guidelines.
- II. The price plus additional charges (e.g., COD, handling, and the like) must be disclosed in the audio and video. Sales tax, where applicable, should be disclosed.
- III. The time necessary for the consumer to receive the merchandise must be reasonable. Anticipated delivery more than thirty days after the order is placed requires an affirmative disclosure of the time it will take to deliver the product.

MEDICAL PRODUCT ADVERTISING

STANDARD

Advertising for Over the Counter (OTC) drugs and medical devices should provide factual information about such products, avoid overstatements of their capabilities, and advise consumers to read and follow label directions.

Comparative safety claims in medical product advertising raise special concerns because they have the potential to alarm, confuse or mislead the public. Only those comparative safety claims which are substantiated, and which do not have the potential to alarm, confuse or mislead the public will be acceptable.

The use of health-related professionals or actors representing such persons is not permitted. Appropriately qualified references to health care professionals and the showing of props and settings associated with them are permitted when adequate documentation is provided to support professional endorsement of the product.

ABC will not accept advertising for a product which fails to comply with applicable governmental regulations, or which is otherwise contrary to the public interest.

Advertising for medical products may not be scheduled in or adjacent to programs designed primarily for children.

For specific guidance on prescription drug advertising, see Prescription Drugs.

(See also Claim Substantiation, Comparative Advertising)

GUIDELINES

Guidelines apply to advertising of all OTC drugs and medical devices, and to advertising of other products which contain health or medical claims.

I. OTC Drugs and Medical Devices

A. General

1. An overt reference to use the product in accordance with its labeling directions must be included, e.g., "Use as directed".
2. Representations which overstate a product's capabilities or effects are unacceptable. Advertising should be confined to those symptoms and conditions for which the product is indicated.

3. Depictions of before-and-after product use situations should indicate an adequate time lapse if the product does not provide immediate relief.
4. Advertising should not portray a casual attitude toward the use of a medication or employ audio/video representations associated with the drug culture. Advertising should not present the use of a medication as a solution to personal or everyday problems.
5. An OTC medication may not be equated with a prescription product except where products are labeled for the same medical indications and there is adequate clinical or other appropriate evidence to substantiate the comparison. In addition, an audio and video "Ask your doctor" reference should be included when the name of the prescription product is referenced. An "Ask your doctor" reference may be in video only for generic comparisons. A reference to the heritage of an OTC product, which was previously available only by prescription, is permitted without such reference.
6. The words "safe," "harmless," "without risk," or any words or phrases with similar meaning may be used only when qualified and when satisfactory substantiation is provided.
7. Commercial copy should not dramatize distressing symptoms or morbid situations associated with specific illnesses or diseases, nor should it describe internal or external functions of the body in an objectionable manner.
8. OTC products may not be ingested on-camera.
9. Products should be advertised for occasional use only. Representations of chronic conditions are not permitted.
10. Celebrities or authority figures should exercise care with advertising that employs testimonials.
11. Children (under 12 years of age) are not permitted in commercials promoting a product for adult use except for incidental background appearances. A child may appear in a commercial advertising a medication formulated for children provided adult/parental supervision is clearly established.
12. Medical products (except vitamins) may not be sold by mail order.

B. Comparative Safety Claims

1. Comparative safety claims in medical product advertising raise special concerns because they have the potential to alarm, confuse or mislead the public.
2. All OTC medications are regulated by the FDA and are generally recognized as safe for the vast majority of the public when used as directed. However, virtually all can have potential side effects when used by certain individuals under certain conditions. Virtually all contain warnings and many direct affected consumers to consult with a health care professional before use.
3. ABC will examine comparative safety claims in medical product advertising with the utmost care. Only those comparative safety claims which are substantiated, and which do not have the potential to alarm, confuse, or mislead the public will be acceptable.

C. **Special Product Categories**

In addition to the foregoing, the following Guidelines apply:

1. **Stimulants**
 - a) if the product's principal active ingredient is referenced, its common name must be disclosed (e.g., caffeine).
 - b) advertising should disclose that the product's efficacy is limited to temporary relief.
 - c) product use must be consistent with sound safety practices.
 - d) representations indicating that a product will lift one's spirits or provide physical energy are unacceptable.
2. **Calmatives**
 - a) Tension must be qualified as minor or simple nervous tension.
 - b) Advertising should disclose that the product's efficacy is limited to temporary relief.
 - c) Representations which overstate the symptoms for which the product is indicated are unacceptable (e.g., "nervous wreck", "up-tight").

3. **Sleeping Aids**

- a) The products may not be presented as a direct cause of sleep but rather as an aid to sleep.
- b) The products should not be used in anticipation of the next day's activities.
- c) References to tension must be qualified as simple or minor nervous tension.
- d) Advertising must disclose that the product is intended for occasional use only.

4. **Arthritis and Rheumatism**

- a) Advertising must disclose that the efficacy of the product is limited to the relief of occasional minor aches and pains of arthritis and rheumatism. Representations of usage for a chronic or long-standing condition are unacceptable.
- b) Before-and-after product use situations should avoid depictions of dramatic, marked improvement in mobility.

D. **"Persons in White"**

- 1. Health-related professionals, or actors representing such persons, may not appear in commercials for a product or service involving health considerations. Such professionals include, but are not limited to: doctors, dentists, nurses, pharmacists, physical therapists, nutritionists, nurses' aides, etc. A medical professional may however, appear in a commercial promoting his or her own services.
- 2. The use of professional props and settings and appropriately qualified audio references to health professionals (e.g., "doctors recommend..."), are acceptable provided that they are based on adequate documentation related to the health professionals' use or recommendation of the product or service. Gratuitous representations of professionals only serve to imply endorsement or raise the status of the product or service by association with professionals and are unacceptable. (See Claim Substantiation: Substantiation Requirements for Doctor Recommendation Claims.)
- 3. A simple statement exhorting the consumer to seek proper medical advice is acceptable, (e.g., "Ask your doctor about brand X").

4. Laboratory settings may be employed when clearly identified and when used in conjunction with bona-fide research conducted in such settings for the product or service advertised. Participation by laboratory technicians in such settings is permitted, but they cannot be employed as spokespersons for the product.

E. **OTC Products Without FDA Approved Consumer-Directed Labeling**

Advertising for OTC products for which no FDA approved consumer-directed labeling exists for serious/chronic conditions requiring physician intervention (e.g., use of aspirin to prevent second heart attack) are subject to the following Guidelines:

1. The commercial must emphasize general information and must be limited to an educational message.
2. The absolute need for physician intervention must be stated in audio and video.
3. The affected population group must be clearly identified.
4. Other significant elements in overall health care involved in the treatment of the serious or chronic conditions must be clearly and conspicuously disclosed.
5. Direct or implied claims that the product is a panacea or that it will cure the referenced conditions are prohibited.
6. Commercials will be reevaluated upon responsible complaint and/or commencement of government action.

**MOTION PICTURE, VIDEOCASSETTE,
THEATRICAL AND EVENT ADVERTISING**

STANDARD

ABC facilities will accept Motion Picture, Videocassette, Theatrical and Event Advertising.

(See also Children's Advertising-Motion Picture and Videocassette Advertising and Talent Commercials)

GUIDELINES

- I. All advertising for domestic motion pictures and videocassettes must carry either a Motion Picture Association of America (MPAA) rating or a disclosure that such rating has not yet been assigned.
 - A. The MPAA rating for motion pictures must be clearly disclosed in audio and video.
 - B. Disclosure that the film has not yet been rated must be clearly disclosed in audio and video.
 - C. The MPAA rating for videocassettes may be in video only, provided that it is large enough to be easily read by the viewer.
- II. While the advertising for G-, PG-, PG-13, and R-rated motion pictures should reflect the film's theme, the content of the advertising, rather than the motion picture, is the key to determining acceptability. ABC will not accept advertising which is overly violent or sexual in nature or which contains adult language. Advertising which contains a "hell" or "damn" from the film's dialogue or from a reviewer's quote will be approved on a case-by-case basis and, if acceptable, will be restricted to post-9PM EST (8PM CST) scheduling.
- III. All NC-17-rated motion pictures must be screened prior to acceptance of advertising. Advertising for NC-17-rated motion pictures will be considered on a case-by-case basis. The MPAA rating in its entirety must be included in the advertising in both audio and video ("NC-17, No Children Under 17 admitted"). The advertising should accurately reflect the content of the film and conform to ABC's standards of taste and acceptability for a mass audience.

IV. **Scheduling Restrictions - Motion Picture Advertising**

- A. Scheduling of advertising for motion pictures and videocassettes will take into consideration the composition of the audience and compatibility of programming. If the content of the commercial and the overall theme of the motion picture are acceptable, the following scheduling restrictions apply:
 - 1. G-, PG- and PG-13-rated motion pictures may generally be scheduled in most ABC programs. However, PG and PG-13 motion picture advertising with adult themes or situations may be subject to scheduling restrictions.
 - a) Before advertising for a PG- or PG-13 rated motion picture will be accepted for scheduling in programming designed for children 12 and under, the motion picture must be screened by ABC Broadcast Standards and Practices in its entirety and judged appropriate for that audience.
 - 2. R-rated motion pictures are restricted to scheduling within Good Morning America, Daytime, Weekend Sports, and post-9PM EST (post 8PM CST) programming.
 - a) R-rated motion pictures with a horror/sci-fi theme may be further restricted to a post-10 PM EST (post 9PM CST) or later schedule.
 - 3. Not yet rated motion pictures will be limited to R-rated scheduling until a rating has been designated by the MPAA.
 - B. Advertising for NC-17-rated motion pictures will be considered on a case-by-case basis and, if acceptable, will be permitted no earlier than 10:30PM EST (post 9:30PM CST).
- V. Advertising which features review quotes with the reviewer name and affiliation in video are, in general, acceptable, but may be subject to scheduling restrictions. An audio reference to a non-ABC competitive entity is not acceptable.
- VI. Advertising for videocassette “rebates” or “offers” must disclose all material terms and conditions. These include what is offered, a description of the offer, where details can be found, what the viewer must do and by when, as well as any legal limitations (e.g., “Void where prohibited”).

MULTIPLE PRODUCT ANNOUNCEMENTS-TELEVISION NETWORK

STANDARD

I. Multiple Product Announcements

- A. Multiple product announcements are those in which two or more products or services from the same advertiser are presented within a single commercial unit.
- B. Stand-alone multiple product announcements or announcements mentioning more than one commercial entity of less than 30-seconds are not permitted, except as provided below.
 - 1. A commercial of less than 30-seconds which has more than one product, product line or commercial entity mention is unacceptable unless "married" to another commercial for the same advertiser, both of which together make a complete commercial of at least 30-seconds in length.
 - 2. Commercials for a retail establishment (including fast food restaurants) may contain references to more than one product sold at the establishment.
 - 3. Commercials for a credit card may contain references to more than one product, service or entity associated with its use.

MUSIC PERFORMANCE RIGHTS

STANDARD

The performance rights for any music contained in advertising must either be available through ASCAP or BMI, in the public domain, or cleared directly by the commercial supplier. ABC, in its sole discretion, may also accept music for which the performance rights are available only through SESAC.

'NEW', USE OF

STANDARD

Use of the term "new" is limited to no more than six months from the time a product achieves substantial distribution in the relevant market.

Terms such as "introducing", "now" and the like are generally limited to no more than one year from when substantial distribution is achieved in the relevant market.

"900" NUMBER AND OTHER PAY-PER-CALL SERVICES

STANDARD

Because of widespread abuses, the use of "900" numbers (and other telephone exchanges such as "540") for pay-per-call services is regulated both on a federal level and by the laws of many states. Due to concerns inherent in "900" number and other pay-per-call services, many Owned Stations do not accept such advertising from third parties and the ABC Television Network will not accept such advertising from third parties absent public policy considerations. In those instances when such advertising from third parties is considered acceptable, advertisers for pay-per-call services are required to certify in writing that they have complied with all federal, state and local laws and regulations that apply both to the advertising and promotion of their services and to the services themselves. ABC reserves the right to require the advertisers to submit telephone messages for review prior to acceptance of the advertising. Telephone messages must contain a preamble that complies with federal law.

GUIDELINES

- I. Each commercial for pay-per-call services must clearly disclose:
 - A. The service provided.
 - B. The cost of the call.
 - C. The name of the information provider.
- II. In the case of usage-sensitive calls, disclosure must include all flat rate charges and both the price per minute and the total or average length of call.
- III. A number of states have statutes that prescribe additional requirements for disclosure; compliance with such requirements is the responsibility of the advertiser.
- IV. Advertising directed to children under 18 is not acceptable. All pay-per-call number advertising must contain an audio statement that persons under 18 must have parental permission.
- V. Use of "900" numbers in sweepstakes advertising.
 - A. ABC's consideration of sweepstakes or contest advertising using "900" numbers will be based upon all information provided above, as well as full details regarding operation of the proposed contest or sweepstakes. If ABC accepts such advertising, its customary "Contest" standards and guidelines will apply. If a sweepstake is involved (e.g., where winners are selected by chance), an alternative free means of entry into the sweepstakes must be clearly disclosed in the commercial copy.

NUTRITIONAL SUPPLEMENTS

STANDARDS

Before the passage of the Dietary Supplement Health and Education Act (DSHEA) in 1994, the term "dietary supplement" referred only to products made of one or more of the essential nutrients, such as vitamins, minerals, and protein. In 1994 the DSHEA expanded the definition stating that herbs, or other botanicals (except tobacco), and any dietary substance that can be used to supplement the diet by increasing the total dietary intake were to be included in the definition. This new definition includes many substances that the FDA previously classified as drugs or unapproved food additives and these have become readily available as dietary supplements.

While not permitting claims that the dietary supplement can treat, cure or prevent any disease, DSHEA does permit "structure/function" claims. These are claims that describe the helpful impact of the product on the structure or function of the body.

DSHEA does not require that substantiation be provided to the FDA before a nutritional supplement is marketed. However the Federal Trade Commission, which has jurisdiction over the advertising of nutritional supplements, has affirmed its requirement that all claims must be fully supported with substantiation developed prior to the making of those claims.

Because the broadened definition of dietary supplements under DSHEA has given rise to numerous products making health claims, many of which lack adequate substantiation, and because such claims involve serious medical and health considerations, ABC will scrutinize such claims with the utmost care.

Advertising for nutritional supplements must generally carry the following (or similar) visual super which is also required for package labeling by DSHEA: "This product has not been evaluated by the FDA and is not intended to treat, cure or prevent any disease."

(See also Food, Vitamins)

PERCEPTION TESTING

STANDARD

In determining the express and implied claims in commercials, perception testing submitted by advertisers bearing upon the perceived meanings which consumers derive therefrom will be considered. While such testing will be considered as a factor, its conclusions will not necessarily be regarded as dispositive.

(See also Claim Substantiation, Comparative Advertising)

PERSONAL PRODUCTS

STANDARD

Personal products should be presented with a special degree of care and sensitivity. All copy and visuals must be in good taste and not be overly graphic. ABC will consider daypart and program audience composition when scheduling personal product advertising.

GUIDELINES

The ABC Personal Products Guidelines apply to all products advertised as personal products: catamenial devices, panty shields, douche products, pregnancy test kits, personal care and grooming products, personal non-prescription medications, undergarments, and incontinence products.

I. Product Categories

A. Catamenial Devices, Panty Shields, Douche Products

1. Personal products may be depicted provided the execution is restrained and in good taste.
2. Overly graphic representation (audio and/or video) dealing with product/body function and mechanics are unacceptable.
3. Depending upon context, general statements regarding grooming, femininity, freshness, and supplemental aspects of the products (e.g., packaging, disposability, premixing, etc.) are acceptable.
4. The use of either children or mixed social situations in advertising is acceptable when incidental and unrelated to the product.
5. These products may not be promoted for reasons of health.
6. Where applicable, a reference must be made to using the product in accordance with label instructions, such as "Use as directed." or "Follow label directions."
7. In advertising for medicated douche products, the following disclosures are required: "If symptoms persist, see your doctor," "For temporary relief of minor itching and irritation," and "Use only as directed."

B. Pregnancy Test Kits

1. Advertising for such products should be presented in a restrained and inoffensive manner, avoiding graphic representations and playing upon the fears and insecurities of individuals.
2. All claims must be supported by adequate documentation.
3. The following messages must be disclosed in video:
 - a) Directions must be carefully followed.
 - b) A doctor must be seen as recommended.

C. Personal Care and Grooming Products

1. Genital Products
 - a) The products may not be promoted for reasons of health.
 - b) Generalized claims of product efficacy may be acceptable, subject to taste considerations.
 - c) The use of children in advertising is acceptable when incidental and unrelated to the product.
2. Body, Foot, Mouth and Denture Odor Products
 - a) All advertising presentations must be inoffensive and in good taste.
3. Bathroom Tissue and Related Products
 - a) Advertising of product qualities must be inoffensive and presented in good taste.

D. Personal Non-Prescription Medications

(includes laxatives, binders, menses-related and hemorrhoid products)

1. ABC Medical Product Advertising Guidelines apply, see page 55.
2. All advertising presentations must be inoffensive and in good taste.

E. Incontinence Products

1. Product features and benefits must be presented in a restrained and inoffensive manner. Display and demonstration must be in good taste.

2. All product claims must be substantiated.
3. Advertising must contain advice that a physician should be consulted if the conditions persist.

F. Male and Female Undergarments

1. The use of live models wearing only undergarments is permitted on a case-by-case basis and then only when done in an inoffensive manner.
2. If products are advertised for weight control, the Advertising Guidelines for Weight Reduction and Control are applicable.

PET FOOD

STANDARD

Advertising for pet food must accurately disclose the product's composition, form, suitability, quality, identity, origin and nutritional properties so that consumers may make responsible decisions.

GUIDELINES

- I. Pet food advertising must be accurate and consistent with product labeling.
- II. In the absence of substantiation that a substantial percentage of veterinarians use or recommend the product, advertising may not contain a veterinarian (or actor's portrayal thereof).
- III. Direct or indirect mention that a pet food is suitable for human consumption or made under the same conditions as human food is unacceptable.
- IV. Advertising for pet "treats", "novelties" or partial maintenance is acceptable when properly identified.
- V. Commercials which portray pets or other animals in an inhumane fashion will not be acceptable.

POLITICAL ADVERTISING

STANDARD

Acceptance of political advertising is governed by the "equal opportunities", "lowest unit rate", "reasonable access" and other provisions of the Communications Act of 1934, the Federal Election Campaign Act, and in some cases, state law. As the laws governing political advertising are complicated, the Legal Department should be consulted.

PREMIUMS AND OFFERS

STANDARD

ABC reserves the right to reject any premium which is deemed to be of lesser value than stated or is unsafe or detrimental in any way to the consumer.

(See also Children's Advertising Guidelines for information concerning offers addressed to children.)

GUIDELINES

- I. In general, all details of the offer, including rules, eligibility requirements, beginning and termination dates, conditions of and requirements for fulfillment, should be clearly and completely detailed or easily accessible to the viewing public.
- II. The advertiser should provide the consumer with cash refund of any money paid in the event the premium or item is returned for any reason covered by the offer.
- III. For offers involving mail, the advertiser or agency is responsible for securing post office box or suitable mailing address as well as handling all mail pick-ups and attendant mail review.
- IV. For offers involving the mail, telephone or internet, the time necessary for the viewer to receive the premium or offer must be reasonable and conform to applicable Federal Trade Commission Guidelines. Anticipated delivery more than thirty days after the order is placed requires an affirmative disclosure of the time it will take to deliver the product.

PRESCRIPTION DRUGS

STANDARD

- I. The Food and Drug and Cosmetics Act (FDCA) sets forth complex disclosure requirements for consumer-directed prescription drug advertising on television. ABC will accept consumer-directed prescription advertising provided that it complies fully with the provisions of the FDCA, as well as any other applicable regulations or guidance issued by the Food and Drug Administration (FDA). ABC will not accept such advertising which fails to fully comply with applicable governmental regulations or which is otherwise contrary to the public interest.
- II. The advertising of prescription drugs raises a number of important issues, each of which must be carefully weighed in the consideration of each commercial submission. Therefore, prescription drug advertising will be reviewed for acceptance on a case-by-case basis in light of the following:
 - A. The Doctor-Patient Relationship
 1. Although an informed consumer is a vital link in the health care chain, ultimately it is the doctor and patient, working together with the rest of the medical community, that promotes good health. All advertising must support this important doctor-patient relationship.
 - B. Self-Medication
 1. Care must be taken to avoid advertising that would prompt people to borrow medications from friends for treatment of the advertised condition or illness, instead of consulting with a physician.
 - C. Drug Abuse or Overuse
 1. While providing useful information to the consumer, advertising for prescription drugs should in no way glamorize the product or otherwise encourage excessive or inappropriate drug use. Advertising for indications other than those designated as “safe and effective” by the FDA are unacceptable.

GUIDELINES

Categories of Prescription Drug Advertising

- A. The FDCA requires that prescription drug advertising which includes indications for use, dosage recommendations, or otherwise identifies the drug as an effective treatment for a specific disease must generally carry a “brief summary” of all necessary information related to side effects and contraindications (21 C.F.R. 202.1(e)(1). The FDA, however, currently permits on an experimental basis, consumer-directed prescription drug advertising on television without the required “brief summary”, provided that the broadcast advertisement clearly discloses in consumer-friendly language both the product’s major risks (“the major statement”) and that adequate provision has been made for dissemination of the approved package labeling elsewhere by various means specified by the FDA (the “adequate provision” requirement).
1. The “adequate provision” requirement includes but is not limited to:
 - a) providing a toll-free telephone number for consumers to access detailed product information in a timely fashion by mail, fax or phone;
 - b) referring to print ads which contain a brief summary of the product labeling. (A reference to brochures containing similar information would also be acceptable if the brochures were distributed in a variety of publicly available sites such as doctor’s offices, libraries and stores.);
 - c) providing an internet website (URL) address with full access to the approved product labeling; and
 - d) stating that healthcare providers can make available additional information about the product.
 2. Advertisers are strongly encouraged to have their “major statement” reviewed by the FDA’s Division of Drug Marketing, Advertising, and Communications (DDMAC). Advertisers must produce satisfactory evidence of the DDMAC approval, or in the alternative an affidavit executed by the advertiser’s legal counsel stating that the “major statement” is compliant with the FDCA. Because of the nature of prescription drugs, ABC reserves the right to confer with DDMAC about specific prescription drugs and/or commercial submissions.
 3. Further information is available from the FDA on the internet at www.fda.gov/cder/guidance/index.htm.

- B. The following does not trigger either the “major statement” or the “adequate provision” requirements.
1. Corporate or institutional advertising intended to promote public awareness of the advertiser, discuss areas of research and development, mention diseases the advertiser has been instrumental in curing or ameliorating, or publicizing the signs and symptoms of diseases for which effective treatment is available is acceptable, provided such advertising does not directly or indirectly name or identify a prescription product.
 2. Advertising that calls attention to the name of a product, either directly or by implication, but does not include indications for use or dosage recommendations. Advertising that directly identifies a product shall contain only the proprietary name of the drug product, if any; the established name of the drug product, if any; and the established name of each active ingredient. Such advertising may also include information relating to price, quantitative ingredient statements, dosage form or quantity of package contents. This is known as “reminder advertising” under FDA regulations.
 3. Advertising that provides comparative price information on identical products is acceptable. These ads must avoid reference to uses or to the safety or effectiveness of the product mentioned, or shown, or other kinds of representations about the product other than those permitted by the FDA reminder advertising regulations. Comparative claims other than price comparisons are not acceptable under this exception.
 4. Advertising which conforms to 1, 2, or 3 above, but which also includes a telephone number, address, or internet URL from which a viewer can request a booklet containing the approved package labeling.

I. **General Considerations**

- A. Advertising should not portray a casual attitude toward the use of a medication or employ audio/video representations associated with the drug culture. Advertising should not represent the use of a medication as a simple solution to personal or everyday problems.
- B. Care must be taken that advertising does not raise false hopes or expectations, use scare tactics or otherwise prey on people’s fears and insecurities.
- C. Commercial copy should not dramatize distressing symptoms or morbid situations associated with specific illnesses or diseases, nor should it describe internal or external functions of the body in an objectionable manner.

- D. Prescription products may not be ingested or administered on-camera.
- E. Certain drugs, such as prescription birth control products, raise ethical issues which may make them unsuitable for advertising to consumers.
- F. Care should be exercised in advertising that uses the testimonials of celebrities or authority figures.
- G. Children (under 12 years of age) are not permitted in commercials promoting a prescription drug product for adult use, except for incidental background appearances. A child may appear in a commercial advertising a prescription drug formulated for children provided adult/parental supervision is clearly established.
- H. Decisions regarding appropriate scheduling will be made on a case-by-case basis, taking into account such factors as the nature of the prescription product and the conditions to be treated. No medical product advertising may be scheduled in or adjacent to children's programming.

II. Safety Concerns

- A. Comparative safety claims in prescription drug advertising raise special concerns because they have the potential to alarm, confuse or mislead the public.
- B. All prescription medications are regulated by the FDA and are generally recognized as safe when prescribed by and taken under the supervision of a physician. However, virtually all can have potential side effects when used by certain individuals under certain conditions. Virtually all contain warnings.
- C. ABC will examine comparative safety claims with the utmost care. Only those comparative safety claims which are substantiated, and which do not have the potential to alarm, confuse or mislead the public will be acceptable.
- D. The words "safe", "harmless", "without risk", or any words or phrases with similar meaning may be used only when qualified and when satisfactory substantiation is provided.
- E. Certain categories of prescription drugs raise special concerns and merit greater scrutiny, e.g., products with "boxed warnings" on their labeling or products listed in Schedule I through V of the Federal Comprehensive Drug Abuse Prevention and Control Act, as well as other products with a significant potential for abuse.
- F. An indication for a product which has not been designated as "safe and effective" by the FDA is not acceptable.

PRICE AND VALUE CLAIMS

STANDARD

Statements of prices and values must be confined to specific facts. Unfair comparisons must not be used.

GUIDELINES

- I. All advertising that includes statement of price and/or value must be based on specific fact.
- II. Price claims must be substantiated, as is necessary.
- III. Given marketplace price fluctuations, arrangements must be made to remove such claims from the air on extremely short notice should they become inaccurate.
- IV. "Bait and switch" advertising, whereby goods or services which the advertiser has no intention of selling are offered merely to lure the customer into purchasing higher-priced substitutes, is not acceptable.

PRIVACY AND PUBLICITY RIGHTS

STANDARD

The laws of most states prohibit the use of a person's name, voice or likeness for trade or advertising purposes without the written consent of such person. Certain states also preclude the use of a non-profit organization's name or other identification for trade or advertising purposes. When advertising is submitted to ABC containing an endorsement or other use of a person's name or other identification, including a picture or footage, ABC reserves the right to require written evidence that such name, voice or likeness is used with the specific consent of such person or organization.

(See Endorsements)

PRODUCT DEMONSTRATIONS

STANDARD

The Federal Trade Commission has held the following to be unfair or deceptive trade practices: "to present a test, experiment or demonstration which purports to prove a product feature when it in fact does not prove such a feature" and "to use a test, experiment or demonstration as representing actual proof of a material product feature when in fact [it] does not constitute actual proof of such feature because of the undisclosed use of a mock-up or prop." As a result, ABC does not accept such advertising.

(See also Claim Substantiation, Comparative Advertising)

GUIDELINES

- I. When a commercial demonstrates the attributes of a product, the demonstration must be performed with actual examples of the product as available to consumers and the results must be accurately represented. The use of mock-ups or enhanced or altered products is not permitted.
- II. Demonstrations should depict product performance in a way that accurately reflects how the product performs when used by consumers. However, when a demonstration simulates consumer use conditions (e.g., a laboratory simulation of clogged drains or kitchen countertop grease), the advertiser must:
 - A. Provide clear and convincing evidence that the simulation accurately reflects the product's performance under actual consumer use conditions; and
 - B. Establish the impracticality or impossibility of demonstrating a product's performance under actual consumer use conditions.
- III. No demonstration should be presented in a manner which through artifice or simulation misleads the audience as to any material fact.
- IV. Producers are required to provide ABC with an affidavit of authenticity for all demonstrations and should be prepared to produce records of the circumstances and results upon request.
- V. Material facts which are essential to a full understanding of the significance of the demonstration (e.g., miles-per-hour, actual time elapsed) must be disclosed.

PROFESSIONAL ADVERTISING

STANDARD

Advertising for the services provided by duly accredited lawyers, doctors and persons in other generally recognized professional occupations is acceptable, provided it does not overstate the efficacy of the service being offered.

GUIDELINES

I. Medical

- A. Advertising for medical services should be factual and presented in a dignified manner.
- B. Copy which overly plays upon a viewer's fears or insecurities, or which creates false or overly optimistic expectations is not acceptable.
- C. Advertising for medical services may not use such terms as "safe" or "harmless" unless fully substantiated as such.
- D. An accredited professional is one who has met required qualifications and has been licensed in the state or states where he/she practices.
- E. A medical professional may appear in a commercial promoting his or her own service.

II. Chiropractic

The same standards apply to advertising for persons engaged in chiropractic medicine as apply to advertising for other doctors.

III. Legal

- A. Advertising for legal services should be factual and presented in a dignified manner.
- B. Copy which overly plays upon a viewer's fears or insecurities, or which creates false or overly optimistic expectations is not acceptable.
- C. When the copy advertises fees charged for specific legal services, the advertisement must disclose that the fee is only available to clients whose matters fall into the areas described.

- D. An accredited professional is one who has met qualifications and has been licensed in the state or states where he/she practices.
- E. An advertisement for legal services that mentions a price should not create the impression that legal fees will represent the entire expenditure by the consumer if that is not the case. In other words, if amounts due for title searches or other non-legal services such as transcripts, copying or messenger service will be charged separately (e.g., under the label of "costs"), disclosure of that fact may be necessary.

PROGRAM-LENGTH COMMERCIALS

STANDARD

Except with respect to programming produced and broadcast primarily for an audience of children 12 years of age and under, a program that would have been defined as a program-length commercial under prior FCC rules and policies may be accepted at the discretion of the ABC Television Network so long as the commercial content and goals of the sponsor are outweighed by the public's likely interest in the program.

The optimum number of commercials in each program and the number of program-length commercials broadcast are business judgments left to the discretion of the Network, subject to the guideline that excessive commercialization judged on the basis of the overall program schedule is to be avoided.

GUIDELINES

- I. Normal procedures for any claim substantiation apply.
- II. Special attention must be paid to sponsor identification requirements. At a minimum, each program length commercial of 15 minutes or more must display visually, in clear and prominent manner, within the first thirty seconds of the program length commercial and immediately before each presentation of ordering instructions for the product or service, the following disclosure:

"THE PROGRAM YOU ARE WATCHING IS A PAID
ADVERTISEMENT FOR [THE PRODUCT OR SERVICE]."

- III. Each program length commercial must disclose clearly and prominently any material connection between an endorser of any product or service and any individual or entity advertising, promoting or selling that product or service.
- IV. Advertisers should consult the Legal Department if guidance is needed in this area.

PSYCHICS AND OTHER PSEUDO-SCIENCES

STANDARD

The advertising of astrology, character reading, fortune-telling, mind reading, numerology, occultism, palm reading, phrenology, or similar subjects is acceptable only when specifically acknowledged and disclaimed to be for the purpose of entertainment. Advertising for these pseudo-sciences must not state nor imply that they have any scientific basis or validity whatsoever.

PUBLIC SERVICE ANNOUNCEMENTS

STANDARD

Public service announcements are meant to inform the public of the work of charitable, governmental, and non-profit organizations and other services available to the public.

Such announcements must reflect the true nature of the organization identified with the announcement, and all claims must be substantiated. Discussions of controversial issues of public importance and religious doctrine are not permitted in public service announcements.

GUIDELINES

I. Clearance Procedures and PSA Scheduling

- A. Broadcast Standards and Practices must review and approve PSA submissions for the ABC Television Network.
- B. Approved PSA's are scheduled on a regular basis, without charge, to non-profit or governmental bodies who wish to promote services or activities which serve the public interest.

II. Appropriateness of Submitting Organization

- A. Organizations requesting PSA scheduling must be non-profit or governmental. Requesting organizations are reviewed to determine their non-profit status, objectives, activities and financial policies.
- B. Non-profit organizations should be in compliance with the guidelines of the Council of Better Business Bureaus' Philanthropic Advisory Service.
- C. As a general matter, to qualify for use on the ABC Television Network, the organization and its message must be national in scope and serve the needs of an extensive part of the United States.
- D. As a general rule, material from trade or professional associations is not acceptable as public service announcements. Such material is often self-serving and frequently repetitive of other public service messages.

III. Content of Message

- A. PSA's must be consistent with the objectives of the sponsoring organization and must be in the public interest.

- B. PSA's must fully comply with all applicable ABC policies and government regulations.
- C. PSA content must be fully substantiated.
- D. Discussions of controversial or political issues, as well as religious doctrine, are considered inappropriate.
- E. PSA's must be tastefully presented and of appropriate production value.
- F. No commercial products, services or corporate names may be shown or referenced in PSA's.
- G. PSA's in which funds are requested will be reviewed on a case-by-case basis, but absent special public interest considerations are generally not acceptable.

IV. **Sale of Commercial Time for Public Service Announcements**

- A. In addition to the acceptance and scheduling of PSA's without charge, paid commercials for, or on behalf of, non-profit and not-for-profit organizations are permitted on a case-by-case basis.
- B. Organizations must meet the same standards that otherwise apply to PSA's.
- C. The identity of the sponsor must be clearly set forth in the commercial as well as the fact that the message was paid for by such sponsor.
- D. Public service time for the group featured in the commercial may be reduced to accommodate other worthy organizations.

PUBLIC SYMBOLS

STANDARD

Heads-of-state, other public officials, religious leaders, and public buildings and/or monuments must be treated with appropriate respect and dignity when mentioned or depicted in advertising.

GUIDELINES

- I. Unless authorized in writing by the Office of the White House Counsel, the use of the name or likeness of the President or former Presidents of the United States and their families as well as the presidential seal is generally not acceptable for advertising purposes. Similar prohibitions exist for the Vice President.
- II. Unless authorized in writing by its duly authorized representatives, the White House may not be depicted or mentioned in advertising.
- III. Other national buildings and monuments may be used in advertising provided the use is incidental to the advertiser's promotion of a product or service and is made in good taste.
- IV. For policies regarding the use of the American Flag in advertising, see the section "American Flag". Rules governing the use of flags of foreign countries in advertising vary from country to country. Advertisers are required to provide evidence from a country's consular service to support the use of any such flag.
- V. Use of the United Nations flag in connection with advertising is not permitted.
- VI. Religious leaders may not be mentioned or depicted in any advertising without their consent.
- VII. The National Anthem of the United States and "Hail to the Chief" are not permitted in advertising. However, music of a traditional or patriotic nature is permitted in advertising, provided it is used with dignity.
- VIII. Use of official military uniforms or vehicles is permitted subject to prior approval of the Department of Defense.

RELIGIOUS TIME

STANDARD

The ABC Television Network may sell time to religious organizations for spot announcements to call attention to occasional lectures, meetings, or crusades. These announcements may in no way present religious doctrine, utilize religious music, sell religious publications, or solicit funds.

SAFETY

STANDARD

All advertising which disregards normal safety precautions is unacceptable.

Children shall not be represented, except under proper adult supervision, as using or being in proximity to a product or a situation recognized as potentially dangerous to them.

GUIDELINES

- I. Commercials depicting use of recreational equipment such as bicycles, in-line skates, and/or skateboards must show users of the products practicing proper safety methods, such as those recommended by the U.S. Consumer Product Safety Commission. For instance, bicyclists should wear bright clothing and approved helmets; in-line skaters and skateboarders should wear helmets, wrist guards, knee and elbow pads, and gloves. All bicyclists and skaters should be depicted obeying traffic laws.
- II. The depiction of driving an automobile requires special care. Seatbelts and shoulder harnesses should be worn (unless in an historic setting or in period footage). Both of the driver's hands must be on the steering wheel at all times. The use of cellular phones or other electronic devices (other than "hands-free" devices) is not permitted.
All laws and safety regulations should be carefully observed.
- III. Food and beverages should not be consumed while engaging in physical activity or while driving.
- IV. Advertising that depicts reckless or dangerous behavior by drivers is unacceptable.
- V. Advertising that depicts pedestrians or drivers who disregard warning signs on railroad tracks will not be acceptable. This also includes pedestrians who walk, sit, or play around railroad tracks, equipment, bridges, or tunnels.

SCHEDULING RESTRICTIONS

STANDARD

- I. Advertising for certain product categories requires scheduling restrictions. Such restrictions take into consideration the nature of the product or service advertised and the relevant audience composition.
- II. Only advertising which has been approved under ABC Children's Advertising Guidelines may be scheduled in programming designed for children 12 and under.
- III. Advertising within News programs may be restricted if the subject matter of the commercial is also the subject of a news item in that broadcast.

GUIDELINES

- I. **Feminine Hygiene Product Advertising**
 - A. Acceptable Daytime (11AM-4PM EST [10AM-3PM CST]) and post-9PM EST (8PM CST).
 - B. Acceptable for Monday through Saturday 8PM-9PM EST (7PM-8PM CST) programming subject to Broadcast Standards and Practices review of the content of each individual commercial and its scheduling in the specific program and limited to one such commercial per half hour.
 - C. Acceptable for Sunday 7PM-9PM EST (6PM-8PM CST) in the last pod of non-animated programming.
 - D. All douche products are permitted in Daytime and post-9PM EST (post 8PM CST) only.
- II. **Undergarment Advertising**

Advertising which features live models in undergarments is acceptable in Daytime and post-9PM EST (8PM CST). Such advertising may be acceptable after 8PM EST (post 7PM CST) subject to Broadcast Standards and Practices' review of the content of each commercial and the nature of the program in which it is scheduled. Such advertising may not be scheduled in programming designed for children 12 and under.

III. **Beer and Wine Advertising**

- A. Only acceptable in programs where the audience composition is predominately of legal drinking age.
 - 1. Not acceptable for Sunday 7PM-9PM EST (6PM-8PM CST) programming.
 - 2. Not acceptable in Saturday morning programming.
 - 3. Only one beer or wine commercial per program may be permitted in the 8PM-9PM EST (7PM-8PM CST) time period and only within those programs designated by Broadcast Standards and Practices.

IV. **Motion Picture Advertising**

- A. If the content of the commercial and the overall theme of the motion picture are deemed acceptable; the following scheduling restrictions apply:
 - 1. G-, PG- and PG-13-rated motion pictures may generally be scheduled in most ABC programs. However, PG and PG-13 motion picture advertising with adult themes or situations may be subject to scheduling restrictions.
 - a) Before advertising for a PG- or PG-13-rated motion picture will be accepted for scheduling in programming designed for children 12 and under, the motion picture must be screened in its entirety and judged appropriate for that audience.
 - 2. R-rated motion pictures are restricted to scheduling within Good Morning America, Daytime, Weekend Sports, and post-9PM EST (post 8PM CST) programming and may be further restricted to post-10 PM EST (post 9PM CST) or later schedule.
 - 3. Not yet rated motion pictures will be limited to R-rated scheduling until a rating has been designated by the MPAA.
- B. Advertising for NC-17-rated motion pictures will be considered on a case-by-case basis and, if acceptable, will be permitted no earlier than 10:30PM EST (post 9:30PM CST).

(See also Children's Advertising - Motion Picture and Videocassette Advertising and Talent Commercials and Motion Picture Advertising for further scheduling restrictions)

SIMULATION OF NEWS TECHNIQUES

STANDARD

Advertising may not contain language, visual techniques, or sound effects associated with newscasts when such advertising is likely to confuse or alarm the audience, or trivialize actual newscasts. Examples of techniques that are generally unacceptable include: "Bulletin," "Flash," "Special Report," "We interrupt this program to bring you...," newsroom settings, simulated interviews or newscasts, horizontal crawls, and teletype sound effects. Such techniques are reserved specifically for news broadcasts.

SOLICITATION OF FUNDS

STANDARD

Absent special public interest considerations, ABC will not sell time for the solicitation of funds.

(See also PSA's)

SPONSOR IDENTIFICATION

STANDARD

Advertising which does not contain proper sponsorship identification is not acceptable.

GUIDELINES

- I. Sponsorship identification consists of the name of the sponsor (i.e., the person furnishing the payment or other consideration for the broadcast), and a statement that the matter is "sponsored by" or "paid for by" the sponsor.
- II. In the case of advertising for commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, is sufficient when it is clear that the mention of the name of the product constitutes a sponsorship identification. Only one such announcement need be included in the commercial.
- III. In the case of any political advertisement, any paid advertising by a trade association, or in the case of a public service announcement for which the air time is purchased, the sponsorship identification announcement must contain the term "paid for" or "sponsored by" and must fully and fairly disclose the true identity of the person, committee, or other entity furnishing the consideration. (The term "furnished by" should be used in cases where the material was furnished in return for its broadcast.)
- IV. Sponsorship identification may be made orally or visually. Any portion in video should be clearly legible to an average viewer and remain on screen long enough to be read in full by an average viewer.

SPORTS VIGNETTES

STANDARD

Sports vignettes are 60-second units composed of both commercial and program elements which are available for scheduling in ABC Sports programming. Both Broadcast Standards and Practices and ABC Sports must review these vignettes.

GUIDELINES

- I. Sports vignettes should essentially conform to the following elements:
 - A. A five to seven second creative opening or closing, which must contain sponsor identification. (The billboard portion, e.g., the portion referring to the sponsor's name or slogan, of the opening must be a maximum of five seconds.)
 - B. A 23 to 25 second program element.
 - C. A 30 second commercial announcement.
- II. Elements B and C may be interchanged and/or rearranged to suit the needs of the advertiser.

Certain sporting events may contain additional restrictions for which ABC Sports should be consulted

SUBLIMINAL PERCEPTION

STANDARD

Since all commercial announcements must be clearly identified as such, ABC will not broadcast messages utilizing the technique of "subliminal perception" (e.g., the transmission of information below the audience's threshold of sensation or awareness), or any similar technique.

SUPERS

STANDARD

When superimposed copy is required, it must be displayed clearly and conspicuously. As a general rule, supers must be presented against a contrasting background, and must be displayed for sufficient duration and in large enough letters to be read easily.

GUIDELINES

- I. All supers must be clearly legible. ABC recommends Helvetica type, but any clear typeface is acceptable.
- II. Each line of every super must occupy at least 22 scan lines of the television screen.
- III. Minimum on-display time should be three seconds for all one-line supers. Supers of two or more lines should remain in view as follows: three seconds for the first line of text plus one second for each additional line (a four line super thus calls for a six second display).
- IV. Supers which vertically "roll" over the screen are permissible; those which horizontally "crawl" across it are reserved exclusively for use by the News Department and may not appear in commercial announcements.
- V. ABC reserves the right to modify these requirements as circumstances may warrant. For example, supers concerning mandatory BATF and automotive advertising disclosures may be exempted from the requirements of Guidelines II and III provided that they are clearly readable (preferably employing a thin drop shading) and they are placed against a clear, contrasting background.

TALENT COMMERCIALS

STANDARD

I. Entertainment Programming

- A. Advertising utilizing performers may not be scheduled by the ABC Television Network within daytime drama programming in which such talent appears, in order to preserve storyline credibility.
- B. Advertising utilizing performers may be scheduled in prime time comedy and/or dramatic programming in which such talent appears only on a case-by-case basis and with the prior approval of Broadcast Standards and Practices and ABC Entertainment and will be subject to scheduling restrictions.
- C. Advertising utilizing a participating celebrity may be scheduled within a variety or awards special in which such talent appears with the prior approval of Broadcast Standards and Practices and ABC Entertainment provided that any such talent advertising may not be scheduled in the first or last position of a commercial pod which is adjacent to the appearance of the celebrity within the program.
- D. A “cast commercial”, i.e., a commercial utilizing either the star or cast of a series appearing in the commercial in character as portrayed in that series, will be permitted in the final commercial position following the termination of the program content of that series, provided all necessary clearances are obtained. In some instances, this cast commercial may be positioned after end credits.

II. News Programming

- A. ABC News personnel may not appear in commercials.
- B. Advertising utilizing individuals who are the subject of a story in a news program is not acceptable for scheduling in that program.

III. Sports Programming

- A. Advertising featuring talent under contract to ABC Sports may not be scheduled in any sports programming in which that same talent is an announcer or commentator.
- B. Advertising featuring talent participating in the sporting event is generally acceptable for scheduling within the same event.

TOBACCO

STANDARD

Advertising for cigars, pipe tobacco and tobacco paraphernalia is acceptable for broadcast by ABC.

Advertising for cigarettes, "smokeless" tobacco, and little cigars or for products, which promote their use, is unacceptable. The use of cigarettes as props in commercials should be avoided.

Health claims, express or implied, for tobacco products are unacceptable.

Advertising for clinics and products for the purpose of assisting people to stop smoking is acceptable.

VIDEO GAMES

STANDARD

Advertising for video games should accurately represent the actual content of the game. However, depictions of extreme violence, sexual themes and profanity are unacceptable.

Video game advertisers are encouraged to participate in industry-sponsored product rating programs. If a video game is rated, the rating must be prominently displayed in the advertising and be easily read.

GUIDELINES

I. Advertising for Video Games Directed to Children 12 and Under

- A. Advertising must meet all applicable ABC Children's Advertising Guidelines (e.g., no exhortative language or hard-sell copy).
- B. There should be a clear distinction between the part of the advertising showing the actual game footage and the remainder of the commercial. Fantasy/animation (excluding game footage) should be limited to one-third of the commercial.

II. Advertising for Video Games Directed Toward Adults

- A. Advertising may not air in or adjacent to the programming designed for children 12 and under.
- B. A number of factors are taken into account when considering acceptance and/or scheduling restrictions for video games directed to adults. These include violent content, dangerous or anti-social behavior, sexual themes and taste concerns. In addition, horror/sci-fi themes will be taken into account.

VITAMIN SUPPLEMENTS

STANDARD

For the great majority of Americans, a proper diet fulfills adequate nutritional needs, particularly with the prevalence of enriched foods. Therefore, advertising for vitamin supplements should be directed only to adults as dietary supplements which may help prevent nutritional deficiencies. Vitamin supplement advertising may not contain broad, unsubstantiated health claims.

GUIDELINES

- I. There should be no implication that vitamin supplements can replace or be equated with foods or food values (e.g., when dieting).
- II. Vitamin supplement advertising may not make unsubstantiated health claims, e.g., claims for relief from specific illnesses or symptoms, cosmetic benefit claims such as complexion improvement or hair restoration, or claims that they supply energy or enhance mood.
- III. Claims of comparative efficacy are not acceptable (e.g., "Better because it has twice the Vitamin C").
 - A. Superiority claims may not be made on the basis of a quantity of vitamins (e.g., milligrams) greater than the recommended Daily Value.
 - B. Claims of comparative formulation of individual micronutrients are acceptable (e.g., "Twice as much Vitamin C as the leading brand"), so long as comparative efficacy is also not conveyed.
- IV. Vitamin supplement advertising should be directed to adults.
 - A. Children may not appear as spokespersons.
 - B. Children may not be depicted dispensing vitamin supplements to themselves or other children.

(See also Food, Nutritional Supplements)

- C. Vitamin supplement advertising is not acceptable in programming primarily directed to children.
- V. As a general rule, advertising may not be directed to the consumption of vitamin supplements by pregnant women or infants, since this should be supervised and prescribed by a physician. However, specific health-related claims may be permitted if sanctioned by governmental authorities. For example, the FDA authorizes the use of a health claim directed to pregnant women about the positive relationship between folic acid consumption and the reduced risk of neural tube birth defects.

WEIGHT REDUCTION AND CONTROL

STANDARD

The advertising of products and services for the reduction, gain and control of weight must comply with established nutritional evidence and medical opinion, as well as ABC Guidelines. Where the demonstrated weight loss for the individuals shown in a commercial is not typical, that fact must be clearly and conspicuously disclosed.

GUIDELINES

- I. Nutritional and medical authorities agree that to lose weight, people must consume fewer calories than they expend for energy. Exercise is helpful in burning up calories and toning muscles, but to lose weight, exercise must be regular and generally be accompanied by a reduction in calories. Weight loss is highly individual and subject to many variables: physiological status, state of health, age, physical activity, rate of metabolism, total diet and environment.
 - A. Advertising should refer to the product or service as a part of an overall, reduced calorie, dietary regimen.
 - B. Advertising should avoid overemphasizing any one factor in the weight-reduction process, since there are many varied factors which must be taken into consideration.
 - C. Express or implied overstatements of a product's or service's weight-reduction capabilities are prohibited.
 - D. Due to the individual nature of weight loss, references to a specific number of pounds lost, a specific change in clothing size, a specific period of time involved in the process, or a visual change in a specific area of the body must be carefully presented and qualified. Generally such claims are acceptable when:
 1. Sufficient empirical data has been provided to substantiate that claims are representative of the users of the product/service advertised.
 2. The rate of weight loss does not exceed 1 to 2 pounds per week for females, 2 to 3 pounds per week for males. Total weight loss cannot bring a user below his/her "ideal body weight" according to the Metropolitan Life Insurance Tables.
 3. Claims are qualified with an audio and /or video disclosure (appropriateness to be determined on a case-by-case basis) of the length of time it took to lose the weight.
 4. There is a disclosure that weight loss and weight maintenance varies between individuals.

- II. Since the maintenance of weight at a desired level generally requires adherence to a dietary regimen, advertising should not claim, directly or by implication, that weight loss will be permanent.
- III. Representations that weight loss itself is easy, simple, or quick are prohibited.
- IV. The use of "safe" language must be adequately supported and accompanied by the disclosure "when used as directed." This disclosure is also required in any advertising involving a diet product which contains a drug ingredient.
- V. There may be no dwelling upon an individual's fears and insecurities associated with being overweight and accompanying self-image or social stigma problems.
- VI. Low calorie foods will not be subjected to Weight Reduction Guidelines unless specific reference is made to weight loss or weight loss programs.
- VII. Such advertising must neither depict children using the products and services nor be directed to them.
- VIII. Representations that a mood change will directly result from ingestion of a diet pill or other diet products are prohibited.